MONTANA LEGISLATIVE HISTORY

Chapter 448 1997

Bill H 210 S _____ Original bill & history ✓ C

H. Committee on Taxation			S. Committee on Taxation		
Hearing Date(s)	Jan 17	✓ C	Hearing Date(s)	Mar 10	✓ C
	Jan 24	✓ C		April	✓ C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	97	1
4/11	3RD READING CONCURRED AS AMENDED	87	8
4/15	SIGNED BY SPEAKER		
4/17	SIGNED BY PRESIDENT		
4/18	TRANSMITTED TO GOVERNOR		
4/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 396		
	EFFECTIVE DATE: 07/01/97		

HB 208 INTRODUCED BY MARSHALL, ET AL. *LC1039 DRAFTER: MACMASTER*

INCREASE FINES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR WITH AN ILLEGAL ALCOHOL OR DRUG CONTENT IN THE BLOOD

1/09	INTRODUCED		
1/09	FIRST READING		
1/09	REFERRED TO JUDICIARY		
1/09	FISCAL NOTE REQUESTED		
1/18	FISCAL NOTE RECEIVED		
1/20	FISCAL NOTE PRINTED		
1/22	HEARING		
1/31	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/14	TAKEN FROM COMMITTEE		
2/14	REREFERRED TO CORRECTIONS SELECT COMMITTEE		
3/04	HEARING		
3/07	REVISED FISCAL NOTE REQUESTED		
3/11	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/12	2ND READING PASSED	81	18
3/13	3RD READING PASSED	82	16
	TRANSMITTED TO SENATE		
3/14	FIRST READING		
3/14	REFERRED TO FINANCE & CLAIMS		
3/14	FISCAL NOTE RECEIVED		
3/15	FISCAL NOTE PRINTED		
3/18	HEARING		
3/19	TABLED IN COMMITTEE		
	DIED IN COMMITTEE		

HB 209 INTRODUCED BY MARSHALL *LC1040 DRAFTER: PETESCH*

INCREASE VIDEO GAMBLING MACHINE GROSS INCOME TAXES

1/09	INTRODUCED
1/09	FIRST READING
1/09	REFERRED TO TAXATION
1/09	FISCAL NOTE REQUESTED
1/15	FISCAL NOTE RECEIVED
4/05	MISSED DEADLINE FOR 71ST DAY TRANSMITTAL
	DIED IN COMMITTEE

HB 210 INTRODUCED BY HAYNE, ET AL. *LC0600 DRAFTER: BOHYER*

ENABLE 9-1-1 EMERGENCY TELEPHONE SYSTEMS TO PROVIDE ENHANCED 9-1-1 SERVICES

1/09	INTRODUCED
1/09	FIRST READING
1/09	REFERRED TO TAXATION
1/09	FISCAL NOTE REQUESTED
1/15	FISCAL NOTE RECEIVED
1/15	FISCAL NOTE PRINTED

1/17	HEARING		
1/25	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/11	2ND READING PASSED AS AMENDED	60	40
2/13	3RD READING PASSED	62	37
	TRANSMITTED TO SENATE		
2/14	FIRST READING		
2/14	REFERRED TO TAXATION		
3/10	HEARING		
4/12	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/15	2ND READING CONCURRED	35	13
4/16	3RD READING CONCURRED	36	14
	RETURNED TO HOUSE WITH AMENDMENTS		
4/17	2ND READING AMENDMENTS CONCURRED	78	22
4/17	3RD READING CONCURRED AS AMENDED	60	39
4/21	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
4/30	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 448		
	EFFECTIVE DATE: 04/30/97—SECTIONS 7 & 18		
	EFFECTIVE DATE: 07/01/97—SECTIONS 1-6 & 8-17		

HB 211 INTRODUCED BY ROSE, ET AL. *LC0880 DRAFTER: COLHOUN*

ALLOW THIRD-CLASS CITIES OR TOWNS TO CONTRACT FOR FIRE PROTECTION SERVICES

1/09	INTRODUCED		
1/09	FIRST READING		
1/09	REFERRED TO LOCAL GOVERNMENT		
1/16	HEARING		
1/22	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/24	2ND READING PASSED	98	1
1/25	3RD READING PASSED	97	0
	TRANSMITTED TO SENATE		
1/27	FIRST READING		
1/27	REFERRED TO LOCAL GOVERNMENT		
3/04	HEARING		
3/06	COMMITTEE REPORT—BILL CONCURRED		
3/10	2ND READING CONCURRED	50	0
3/11	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
3/13	SIGNED BY SPEAKER		
3/14	SIGNED BY PRESIDENT		
3/17	TRANSMITTED TO GOVERNOR		
3/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 96		
	EFFECTIVE DATE: 10/01/97		

HB 212 INTRODUCED BY RANEY, ET AL. *LC0612 DRAFTER: STERNBERG*

PROVIDE FOR RIVER AND LAKE ISLAND PARKS ON STATE-OWNED OR STATE-LEASED ISLAND PROPERTY IN NAVIGABLE RIVERS, STREAMS, AND LAKES

1/10	INTRODUCED
1/10	FIRST READING
1/10	REFERRED TO FISH, WILDLIFE & PARKS
1/10	FISCAL NOTE REQUESTED
1/16	FISCAL NOTE RECEIVED
1/16	SPONSOR FISCAL NOTE PRINTED

House Bill No. 210

Introduced By

A Bill for an Act entitled: "An Act enabling 9-1-1 emergency telephone systems to provide enhanced 9-1-1 services; distinguishing basic 9-1-1 systems from enhanced 9-1-1 systems; establishing requirements for basic 9-1-1 and enhanced 9-1-1 systems; establishing fees for basic 9-1-1 and enhanced 9-1-1 systems; clarifying the services to which 9-1-1 fees apply; providing for accounting for basic 9-1-1 and enhanced 9-1-1 fees; clarifying the statutory appropriation of enhanced 9-1-1 fees; providing limits on and requirements for the distribution of and the expenditure of basic 9-1-1 and enhanced 9-1-1 fees; amending sections 10-4-101, 10-4-102, 10-4-103, 10-4-111, 10-4-112, 10-4-113, 10-4-201, 10-4-202, 10-4-301, 10-4-302, and 10-4-303, MCA; and providing effective dates and applicability dates."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 10-4-101, MCA, is amended to read:

"10-4-101. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) ~~"Account~~ "Basic 9-1-1 account" means the 9-1-1 emergency telecommunications account established in ~~10-4-301~~ 10-4-301(1)(a).

(2) (a) "Basic 9-1-1 service" means a telephone service meeting the standards established in 10-4-102 that automatically connects a person dialing the digits 9-1-1 to an established public safety answering point.

(b) "Basic 9-1-1 services" includes equipment for connecting and outswitching 9-1-1 calls within a telephone central office, trunking facilities from the central office to a public safety answering point, and equipment, as appropriate, for transferring the call to another point, when appropriate.

~~(2)~~(3) "Department" means the department of administration provided for in Title 2, chapter 15, part 10.

~~(3)~~(4) "Direct dispatch method" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, provides for a decision as to the proper action to be taken and for dispatch of appropriate emergency service units.

~~(4)~~(5) "Emergency" means any event that requires dispatch of a public or private safety agency.

~~(5)~~(6) "Emergency services" means services provided by any public or private safety agency, including law enforcement, firefighting, ambulance or medical services, and civil defense services.

(7) "Enhanced 9-1-1 account" means the 9-1-1 emergency telecommunications account established in

10-4-301(1)(b).

(8) "Enhanced 9-1-1 system" means a system:

(a) consisting of selective routing with the capability of automatic number identification and automatic location identification at a public safety answering point enabling users of the public telecommunications system to request emergency services by dialing the digits 9-1-1; and

(b) that includes customer premises equipment directly related to the operation of an enhanced 9-1-1 system, including but not limited to automatic number identification or automatic location identification controllers and display units, printers, and software associated with call detail recording.

~~(6)~~(9) "Exchange access services" means:

(a) telephone exchange access lines or channels that provide local access from the premises of a subscriber in this state to the local telecommunications network to effect the transfer of information; and

(b) unless a separate tariff rate is charged ~~therefor~~ for the exchange access lines or channels, any facility or service provided in connection with the services described in subsection ~~(6)~~ (9)(a).

~~(7)~~(10) "Local government" means any city, county, or political subdivision of the state and its agencies.

~~(8) "Minimum 9-1-1 service" means a telephone service meeting the standards established in 10-4-102 that automatically connects a person dialing the digits 9-1-1 to an established public safety answering point. "Minimum 9-1-1 services" includes equipment for connecting and outswitching 9-1-1 calls within a telephone central office, trunking facilities from the central office to a public safety answering point, and equipment, as appropriate, for transferring the call to another point, when appropriate.~~

~~(9)~~(11) A "9-1-1 jurisdiction" means a group of public or private safety agencies who operate within or are affected by one or more common central office boundaries and who have agreed in writing to jointly plan a 9-1-1 emergency telephone system.

~~(10)~~(12) "Private safety agency" means any entity, except a public safety agency, providing emergency fire, ambulance, or medical services.

~~(11)~~(13) "Provider" means a public utility, cooperative telephone company, or any other entity that provides telephone exchange access services.

~~(12)~~(14) "Public safety agency" means the state and any city, county, city-county consolidated government, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state that provides or has authority to provide emergency services.

~~(13)~~(15) "Public safety answering point" means a communications facility operated on a 24-hour basis that first receives 9-1-1 calls from persons in a 9-1-1 service area and ~~which~~ that may, as appropriate, directly dispatch public or private safety services or transfer or relay 9-1-1 calls to appropriate public safety agencies.

~~(14)~~(16) "Relay method" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, notes the pertinent information from the caller and relays

~~such~~ the information to the appropriate public safety agency, other agencies, or other providers of emergency services for dispatch of an emergency unit.

~~(15)~~(17) "Subscriber" means an end user who receives telephone exchange access services.

~~(16)~~(18) "Transfer method" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, directly transfers ~~such a~~ the request to an appropriate public safety answering agency or other provider of emergency services."

Section 2. Section 10-4-102, MCA, is amended to read:

"10-4-102. Department of administration duties and powers. (1) The department shall assist in the development of basic and enhanced 9-1-1 systems in the state. The department shall:

(a) establish procedures for determining and evaluating requests for variations from ~~minimum~~ basic or enhanced 9-1-1 service;

(b) upon request of a 9-1-1 jurisdiction, assist in planning ~~an emergency~~ a basic or enhanced 9-1-1 telephone system;

(c) establish criteria for evaluating basic and enhanced 9-1-1 system plans;

(d) monitor implementation of approved basic and enhanced 9-1-1 system plans for compliance with the plan and use of funding; and

(e) as it finds necessary, report to the legislature the progress made in implementing ~~a~~ statewide ~~emergency telephone system~~ basic and enhanced 9-1-1 systems.

(2) The department shall obtain input from all 9-1-1 jurisdictions by creating an advisory council to participate in development and implementation of the 9-1-1 program in the state. The council must be established pursuant to 2-15-122. The highway patrol, emergency medical services organizations, telephone companies, the associated public safety communicators, the department of emergency services, police departments, sheriff's departments, local citizens, organizations, and other public safety organizations may submit recommendations for membership on the advisory council."

Section 3. Section 10-4-103, MCA, is amended to read:

"10-4-103. Emergency telephone system requirements. (1) Every public and private safety agency in this state may establish or participate in ~~an~~ a basic or enhanced 9-1-1 emergency telephone system.

(2) ~~An~~ A basic 9-1-1 emergency telephone system must include:

(a) a 24-hour communications facility automatically accessible anywhere in the 9-1-1 jurisdiction's service area by dialing 9-1-1;

(b) direct dispatch of public and private safety services in the 9-1-1 jurisdiction or relay or transfer of 9-

1-1 calls to an appropriate public or private safety agency; and

(c) a 24-hour communications facility equipped with at least two trunk-hunting local access circuits provided by the local telephone company's central office.

(3) An enhanced 9-1-1 system must include, in addition to the requirements for a basic 9-1-1 system:

(a) automatic number identification that automatically identifies and displays the calling telephone number at the public safety answering point; and

(b) automatic location identification that automatically identifies and displays the address of the calling telephone at the public safety answering point.

(4) The primary emergency telephone number within the state is 9-1-1, but a public safety answering point shall maintain both a separate seven-digit secondary emergency number for use by the telephone company operator and a separate seven-digit nonemergency number."

Section 4. Section 10-4-111, MCA, is amended to read:

"10-4-111. Submission of preliminary plans for 9-1-1 jurisdictions -- review -- cost estimates. (1) A 9-1-1 jurisdiction may submit a preliminary plan for establishing ~~an~~ a basic or enhanced 9-1-1 emergency telephone system in accordance with 10-4-103 to:

(a) public and private safety agencies in the 9-1-1 jurisdiction;

(b) the department; and

(c) providers of telephone service in the 9-1-1 jurisdiction's service area.

(2) The department shall review the preliminary plan for compliance with 10-4-103 and rules adopted pursuant to 10-4-102 and report its approval or disapproval to the 9-1-1 jurisdiction within 90 days of receipt of the plan.

(3) A provider of telephone service in the 9-1-1 jurisdiction's service area shall, within 90 days of receipt of the plan, provide the 9-1-1 jurisdiction with a good faith estimate of the cost to the 9-1-1 jurisdiction for implementing the plan."

Section 5. Section 10-4-112, MCA, is amended to read:

"10-4-112. Submission and approval of final plans -- exception. (1) A 9-1-1 jurisdiction shall submit a proposed final plan for establishing ~~an~~ a basic or enhanced 9-1-1 emergency telephone system pursuant to 10-4-103 within 1 year from receipt of the department's approval of its preliminary plan to:

(a) public and private safety agencies in the 9-1-1 jurisdiction;

(b) the department; and

(c) providers of telephone service in the 9-1-1 jurisdiction's service area.

(2) In addition to other matters required by 10-4-103, the final plan must include a description of all capital and recurring costs for the proposed emergency 9-1-1 telephone system.

(3) The department shall determine whether the final plan complies with 10-4-103 and rules adopted pursuant to 10-4-102. Subject to 10-4-113, if the department determines that the plan complies, it shall approve the plan, or if the department determines that the plan does not comply, it shall disapprove the plan. The department shall inform the 9-1-1 jurisdiction of its decision within 180 days of receipt of the plan. In any statement approving a final plan, the department shall indicate a timetable in which the provider shall undertake necessary telephone system conversions. The timetable must be such that conversions may not be required unless sufficient funds to compensate the provider for its conversion costs are available within 1 year of the initial installation of the 9-1-1 system."

Section 6. Section 10-4-113, MCA, is amended to read:

"10-4-113. Requirement for approval of final plan -- department to insure compliance. The department may not approve the preliminary or final plan ~~of~~ for basic or enhanced 9-1-1 service within a 9-1-1 jurisdiction unless the plan is accompanied by a written approval from the governing bodies of all participating public and private safety agencies included in the 9-1-1 jurisdiction."

NEW SECTION. **Section 7. Submission of revised plan for conversion from basic 9-1-1 to enhanced 9-1-1.** (1) A jurisdiction intending to implement an enhanced 9-1-1 system shall submit an amended plan for establishing an enhanced 9-1-1 system to:

(a) every public and private safety agency in the 9-1-1 jurisdiction;

(b) the department; and

(c) all providers of telephone service in the 9-1-1 jurisdiction's service area.

(2) The amended plan must include:

(a) a description of all capital and recurring costs for the proposed enhanced 9-1-1 system;

(b) the proposed schedule for implementation of the enhanced 9-1-1 system;

(c) the proposed expenditures for equipment and software upgrades;

(d) a plan for maintaining all automatic number identification and all automatic location identification data bases; and

(e) a plan for 9-1-1 dispatcher training that must include, at a minimum:

(i) basic telecommunicator certification awarded upon successful completion of the basic telecommunicator class offered through the Montana law enforcement academy;

(ii) emergency medical dispatch certification awarded upon successful completion of one of the emergency medical dispatch programs that provide dispatch-specific medical training and training and practice in the use of written or automated medical dispatch protocols; or

(iii) training that includes handling 9-1-1 emergency telephone calls and relaying information to the appropriate responder or dispatch agency.

(3) (a) The department shall determine whether the enhanced 9-1-1 plan complies with the provisions of this part, including rules adopted pursuant to 10-4-102, and shall inform the 9-1-1 jurisdiction of its determination within 180 days of receipt of the plan.

(b) If the department approves an enhanced 9-1-1 plan, the department shall indicate a timetable within which the provider shall undertake necessary conversions to dedicated 9-1-1 circuits. The timetable must be such that conversions may not be required unless sufficient funds to compensate the provider for its conversion costs are available within 1 year of the initial installation of the 9-1-1 system.

(4) If enhanced 9-1-1 has been included as part of an approved final plan for basic 9-1-1, the jurisdiction is not required to submit an amended plan for enhanced 9-1-1.

NEW SECTION. **Section 8. Dedicated 9-1-1 telephone facilities to be provided -- capabilities.** Every provider of telephone service in an area served by an emergency telephone system established pursuant to 10-4-103 shall provide dedicated 9-1-1 telephone facilities capable of providing automatic number identification to the public safety answering point. The provision of facilities and services required under this section must be accomplished according to a plan, including a timetable, approved pursuant to 10-4-111.

Section 9. Section 10-4-201, MCA, is amended to read:

"10-4-201. ~~Fee~~ Fees imposed for telephone exchange access services. (1) Except as provided in 10-4-202~~;~~:

(a) for basic 9-1-1 services, a fee of 25 cents a month per access line on each service subscriber in the state is imposed on the amount charged for telephone exchange access services, wireless telephone service, or other 9-1-1 accessible services; and

(b) for enhanced 9-1-1 services, a fee of 30 cents a month per access line on each service subscriber in the state is imposed on the amount charged for telephone exchange access services, wireless telephone service, or other 9-1-1 accessible services.

(2) The subscriber paying for exchange access line services is liable for the ~~fee~~ fees imposed by this section.

(3) The provider shall collect the ~~fee~~ fees. The amount of the ~~fee~~ fees collected by the provider is considered payment by the subscriber for that amount of ~~fee~~ fees.

(4) Any return made by the provider collecting the ~~fee~~ fees is prima facie evidence of payments by the

subscribers of the amount of fees indicated on the return."

Section 10. Section 10-4-202, MCA, is amended to read:

"10-4-202. Exemptions from ~~fee~~ fees imposed. The ~~fee~~ fees imposed by 10-4-201 ~~does~~ do not apply to:

(1) services that the state is prohibited from taxing under the constitution or laws of the United States or the constitution or laws of the state of Montana; or

(2) amounts paid by depositing coins in a public telephone."

Section 11. Section 10-4-301, MCA, is amended to read:

"10-4-301. Establishment of emergency telecommunications ~~account~~ accounts. ~~A 9-1-1 emergency telecommunications account is~~

(1) There are established in the state special revenue fund in the state treasury:

(a) an account for all fees collected for basic 9-1-1 services pursuant to 10-4-201(1)(a); and

(b) an account for all fees collected for enhanced 9-1-1 services pursuant to 10-4-201(1)(b).

(2) All money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account.

(3) After payment of refunds pursuant to 10-4-205, the balance of the ~~account~~ respective accounts must be used for the purposes described in part 1 of this chapter.

(4) The distribution of funds in the 9-1-1 emergency telecommunications ~~account~~ accounts described in subsection (1), according to the requirements of 10-4-302 and [section 14], is statutorily appropriated.

(5) Expenditures for actual and necessary expenses required for the efficient administration of the plan must be made from temporary appropriations, as described in 17-7-501(1) or (2), made for that purpose."

Section 12. Section 10-4-302, MCA, is amended to read:

"10-4-302. Distribution of basic 9-1-1 account by department. (1) The department shall make quarterly distributions of the entire basic 9-1-1 account ~~beginning on April 1, 1987~~. The distributions must be made for the following:

(a) administrative costs incurred during the preceding calendar quarter by the department of revenue in carrying out this chapter. The amount paid may not exceed ~~1%~~ 0.5% of the account on the date of

distribution or actual expenses incurred, whichever is less.

(b) administrative costs incurred during the preceding calendar quarter by the department in carrying out its duties under this chapter. The department's annual recovery of costs may not exceed ~~7%~~ 3.5% of the amount collected by the account during the fiscal year or actual expenses incurred, whichever is less.

(c) costs incurred during the preceding calendar quarter by each provider of telephone service in the state for:

(i) collection of the ~~fee~~ fees imposed by 10-4-201;

(ii) modification of central office switching and trunking equipment for emergency telephone service only; and

(iii) conversion of pay station telephones required by 10-4-121.

(2) Payments under subsection (1)(c) may be made only after application by the provider to the department for costs incurred in subsection (1)(c). The department shall review all applications relevant to subsection (1)(c) for appropriateness of costs claimed by the provider. If the provider contests the review, payment may not be made until the amount owed the provider is made certain.

(3) After all amounts under subsections (1) and (2) have been paid, the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account. A 9-1-1 jurisdiction whose 9-1-1 service area includes more than one city or county is eligible to receive operating funds from the allocation for each city or county involved. The department shall distribute to the accounting entity designated by a 9-1-1 jurisdiction with an approved final plan the proportional amount for each city or county served by the 9-1-1 jurisdiction. The department shall provide a report indicating the proportional share derived from the individual city's or county's allocation with each distribution to a 9-1-1 jurisdiction.

(4) If the department through its monitoring process determines that a 9-1-1 jurisdiction is not adhering to an approved plan or is not using funds in the manner prescribed in 10-4-303, the department may, after notice and hearing, suspend payment to the 9-1-1 jurisdiction. The jurisdiction is not eligible to receive funds until ~~such time as~~ the department determines that the jurisdiction is complying with the approved plan and fund usage limitations."

Section 13. Section 10-4-303, MCA, is amended to read:

"10-4-303. Limitation on use of basic 9-1-1 funds. Money received under subsection (3) of 10-4-302 may be used only to pay for installing, operating, and improving ~~an~~ a basic 9-1-1 emergency telephone system ~~using 9-1-1~~. Money not necessary for immediate use may be invested by the city or county. The income from the investments ~~shall~~ may be used only for the purposes described in this section."

NEW SECTION. **Section 14. Distribution of enhanced 9-1-1 account by department.** (1) The department shall make quarterly distributions of the entire enhanced 9-1-1 account as follows:

(a) administrative costs incurred during the preceding calendar quarter by the department of revenue in carrying out this chapter. The amount paid may not exceed 0.5% of the account on the date of distribution or actual expenses incurred, whichever is less.

(b) administrative costs incurred during the preceding calendar quarter by the department in carrying out its duties under this chapter. The department's annual recovery of costs may not exceed 3.5% of the amount deposited in the account during the fiscal year or actual expenses incurred, whichever is less.

(c) costs incurred during the preceding calendar quarter by each provider of telephone service in the state for:

(i) collection of the fee imposed by 10-4-201(1)(b); and

(ii) modification of central office switching and trunking equipment necessary to provide service for an enhanced 9-1-1 system only.

(2) Payments under subsection (1)(c) may be made only after application by the provider to the department for costs described in subsection (1)(c). The department shall review all applications relevant to subsection (1)(c) for appropriateness of costs claimed by the provider. If the provider contests the review, payment may not be made until the amount owed the provider is made certain.

(3) After all amounts under subsections (1) and (2) have been paid:

(a) 84% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

(b) the remaining 16% of the balance of the account must be distributed evenly to the counties with 1% or less than 1% of the total population.

(4) An enhanced 9-1-1 jurisdiction whose enhanced 9-1-1 service area includes more than one city or county is eligible to receive operating funds from the allocation for each city or county involved. The department shall distribute to the accounting entity designated by an enhanced 9-1-1 jurisdiction with an approved final plan for enhanced 9-1-1 service the proportional amount for each city or county served by the enhanced 9-1-1 jurisdiction. The department shall, upon request, provide a report indicating the proportional share derived from the individual city's or county's allocation with each distribution to a 9-1-1 jurisdiction.

(5) If the department determines that an enhanced service 9-1-1 jurisdiction is not adhering to an approved plan for enhanced 9-1-1 service or is not using funds in the manner prescribed in [section 15], the department may, after giving notice to the jurisdiction and providing an opportunity for a representative of the jurisdiction to comment on the department's determination, suspend payment from the enhanced 9-1-1 account to the 9-1-1 jurisdiction. The jurisdiction is not eligible to receive funds from the enhanced 9-1-1 account until the department determines that the jurisdiction is complying with the approved plan for enhanced 9-1-1 and fund usage limitations.

NEW SECTION. **Section 15. Limitation on use of enhanced 9-1-1 funds.** Money received under [section 14(3) or (4)] may be used only to pay for installing enhanced 9-1-1 features, or for operating

and improving an emergency telephone system using 9-1-1 once the plan for converting to enhanced 9-1-1 has been approved. Money not necessary for immediate use may be invested by the city or county. The income from the investments may be used only for the purposes described in this section.

NEW SECTION. **Section 16. Codification instruction.** (1) [Sections 7 and 8] are intended to be codified as an integral part of Title 10, chapter 4, part 1, and the provisions of Title 10, chapter 4, apply to [sections 7 and 8].

(2) [Sections 14 and 15] are intended to be codified as an integral part of Title 10, chapter 4, part 3, and the provisions of Title 10, chapter 4, apply to [sections 14 and 15].

NEW SECTION. **Section 17. Applicability.** (1) Except as provided in subsections (2) and (3), [this act] applies on July 1, 1997.

(2) [Sections 7, 18, and this section] apply on passage and approval.

(3) [Section 14] applies to calendar quarters beginning on or after October 1, 1997.

NEW SECTION. **Section 18. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 1997.

(2) [Section 7 and this section] are effective on passage and approval.

-END-

HEARING ON HB 210

Opening Statement by Sponsor:

Rep. Harriet Hayne, House District 86, explained that HB 210 would add a $ .30 user fee to each telephone line to be used to enhance 911 service. There is an amendment to the bill. Exhibit 1. *{Tape: 1; Side: A; Approx. Time Count: 1.3.}*

Proponents' Testimony:

Tony Herbert, Department of Administration, described features of the bill and also testified on behalf of the Governor's Office. *{Tape: 1; Side: A; Approx. Time Count: 5.4.}*

Drew Dawson, Department of Health and Human Services, and Chairman of the 911 Advisory Council. Exhibits 2 and 3. *{Tape: 1; Side: A; Approx. Time Count: 11.3.}*

W. James Kembel, City of Billings. *{Tape: 1; Side: A; Approx. Time Count: 19.0.}*

Paul Spengler, Lewis and Clark County Disaster Coordinator, representing the Montana Disaster Services Association. Exhibit 4. *{Tape: 1; Side: A; Approx. Time Count: 21.4.}*

Jane Jelinski, Gallatin County Commissioner, also representing the Mayor, City of Bozeman. Exhibits 5 and 6. *{Tape: 1; Side: A; Approx. Time Count: 22.7.}*

Brian Crandall, Fire Chiefs' Association. *{Tape: 1; Side: A; Approx. Time Count: 25.9.}*

Mike Brown, Gallatin County 911 Director. *{Tape: 1; Side: B; Approx. Time Count: 26.0.}*

Steve Larson, City of Helena Fire Department and Helena Rural Fire Departments. *{Tape: 1; Side: A; Approx. Time Count: 28.0.}*

Gordon Morris, Montana Association of Counties. *{Tape: 1; Side: A; Approx. Time Count: 28.3.}*

Cheryl Paulino, Association of Public Safety Communicators, Chouteau County. *{Tape: 1; Side: A; Approx. Time Count: 29.0.}*

Susan Bomstad, Missoula County 911 Center, Montana Chapter of Public Safety Communications. *{Tape: 1; Side: A; Approx. Time Count: 2.1.}*

Jesse Gonzales, Billings 911 Center, Yellowstone County. Exhibit 7. *{Tape: 1; Side: B; Approx. Time Count: 3.9.}*

Alec Hanson, Montana Association of Cities and Towns. *{Tape: 1; Side: B; Approx. Time Count: 18.7.}*

Kurt Seward, Rosebud County and Montana Sheriff and Police Officers Association. *{Tape: 1; Side: B; Approx. Time Count: 19.8.}*

George Anderson, Teton County Sheriff, Coroner and 911 Administrator. *{Tape: 1; Side: B; Approx. Time Count: 20.5.}*

Steve Wilkins, Treasure County Sheriff. *{Tape: 1; Side: B; Approx. Time Count: 22.5.}*

Jim Green, Administer, Disaster Emergency Services, Department of Military Affairs. *{Tape: 1; Side: B; Approx. Time Count: 23.0.}*

Senator Dorothy Eck, representing Gallatin County. *{Tape: 1; Side: B; Approx. Time Count: 23.7.}*

Barbara Ranf, U. S. West Communications. *{Tape: 1; Side: B; Approx. Time Count: 24.7.}*

Troy McGee, Chief of Police, Helena, also representing the City of Helena and the Montana Police Chiefs' Association. *{Tape: 1; Side: B; Approx. Time Count: 25.5.}*

Lt. Jim Thomas, Helena Police Department, and Administrator, Helena 911 Center. *{Tape: 1; Side: B; Approx. Time Count: 26.6.}*

Shawn Jackson, Eagle Emergency Services, and Montana Emergency Medical Association. *{Tape: 1; Side: B; Approx. Time Count: 27.3.}*

Mike Strand, Executive Vice President, Montana Independent Telecommunication Systems, representing rural telephone companies across the State of Montana. *{Tape: 1; Side: B; Approx. Time Count: 27.7.}*

Phil Olson, County Commissioner, Gallatin County. *{Tape: 2; Side: A; Approx. Time Count: 2.0.}*

Joan Hafer, Communications Supervisor, Rosebud County. *{Tape: 2; Side: A; Approx. Time Count: 4.5.}*

Opponents' Testimony:

None.

Informational Testimony:

Bill Squires, General Counsel, Montana Telephone Association. *{Tape: 2; Side: A; Approx. Time Count: 4.7.}*

Questions From Committee Members and Responses:

{Tape: 2; Side: A; Approx. Time Count: 6.2; Comments: Questions continued on Tape 2 B.}

Closing by Sponsor:

Rep. Hayne closed. *{Tape: 2; Side: B; Approx. Time Count: 20.6.}*

HEARING ON HB 158

Opening Statement by Sponsor:

Rep. Beverly Barnhart, House District 29, stated that HB 158 would allow a tax credit for a portion of wages for employing certain persons. *{Tape: 2; Side: B; Approx. Time Count: 21.0.}*

Proponents' Testimony:

Kate Cholenn, Montana Womens' Lobby. *{Tape: 2; Side: B; Approx. Time Count: 24.2.}*

David Owen, Montana Chamber of Commerce. *{Tape: 2; Side: B; Approx. Time Count: 25.4.}*

Melissa Case, Hotel and Restaurant Employees Union. *{Tape: 2; Side: B; Approx. Time Count: 27.6.}*

Opponents' Testimony:

Michael Bentley, American Federation of State, County and Municipal Employees. *{Tape: 2; Side: B; Approx. Time Count: 30.0.}*

Informational Testimony:

Karlene Leonard, Department of Health and Human Services. *{Tape: 2; Side: B; Approx. Time Count: 32.0.}*

Questions From Committee Members and Responses:

{Tape: 2; Side: B; Approx. Time Count: 33.1.}

Closing by Sponsor:

Rep. Barnhart closed. *{Tape: 3; Side: A; Approx. Time Count: 22.8.}*

HOUSE TAXATION COMMITTEE

ROLL CALL

DATE OF MEETING: January 17, 1997

Name	Present	Absent	Excused
Rep. Peggy Arnott	✓		
Rep. Paul Bankhead	✓		
Rep. John Bohlinger	✓		
Rep. Bill Carey	✓		
Rep. Alvin Ellis, Jr.	✓		
Rep. Marian Hanson	✓		
Rep. Hal Harper	✓		
Rep. Dan Harrington			✓
Rep. Rick Jore	✓		
Rep. Scott J. Orr	✓		
Rep. Bob Raney	✓		
Rep. Bob Ream	✓		
Rep. Sam Rose	✓		
Rep. Bill Ryan	✓		
Rep. Robert Story	✓		
Rep. Richard Simpkins			✓
Rep. Emily Swanson	✓		
Rep. Lila Taylor	✓		
Rep. Jack Wells	✓		
Chairman Chase Hibbard	✓		

BLAINE COUNTY
DISASTER AND EMERGENCY SERVICES

Marty Dirden, Coordinator

(406) 357-3310
(406) 353-2821 (Home)

P.O. Box 576
Chinook, MT 59523

Memorandum

TO: Chase Hibbard, Chairman House Taxation Committee

FROM: Marty Dirden, 911 Coordinator - Blaine County

DATE: January 15, 1997

SUBJECT: Increase of 9-1-1 fee

==========

As the coordinator for the Blaine County 9-1-1 system I would like to submit a letter urging the committee's support of HB 210 which contains legislation to increase the 9-1-1 fee. This legislation will provide much needed revenue to rural 9-1-1 systems. Additional revenue will enable systems to upgrade equipment and telephone service to Enhanced 911, which thanks to television, is considered standard to the general public.

We currently have 9-1-1 service throughout Blaine County. Our system is very basic, which in essence only allows the residents of the County to dial 9-1-1, instead of a 7-digit number, to access a centralized dispatch center.

We do not currently have any enhanced features, such as Automatic Number (ANI) or Location Identification (ALI), on our system. The cost for these services are not affordable under the current funding allocation. Our system relies upon our dispatchers to gain critical location and telephone information. In many cases a 911 caller is not in the proper frame of mind to give precise, specific information. Worse yet, if the caller is a child, disabled or the injury/problem prevents the ability to give information, we cannot provide the needed emergency service. This has created problems over the years and has the potential to be tragic.

Our County, like many others, also does not have rural addressing. Rural addressing is an integral part of an efficient 9-1-1 system and is necessary to receive Automatic Location Identification from rural areas. With revenue from this legislation we can begin to deal with this serious deficiency in our emergency service response system.

Thank you for your time and consideration of this important life safety bill. Your favorable vote for this bill will improve the health and safety of the residents of this great State. Thank you.

Please Note: Testimony given at House Committee Meetings is being recorded, but will not be summarized in Committee Minutes. If you wish to have testimony on file, please present your prepared written testimony, or this completed form, to the Committee Secretary.

HOUSE OF REPRESENTATIVES
55TH LEGISLATURE

TAXATION COMMITTEE WITNESS STATEMENT
(Please Print)

BILL NO. HB 210

NAME: Clay Vincent

ADDRESS: 1175 Oak Dr Havre

REPRESENTING: Hill County

PROPONENT X **OPPONENT** ___ **INFORMATIONAL** ___

COMMENTS:

written

The Hill County 911 Committee wishes to show it's support for HB210. It is a life saving essential service for all Montanans. Hill County receives approximately $15,000/yr for 911 services, but has an annual budget for dispatchers of more then $180,000/yr. This must cover salaries, equipment and maintenance for this office. Everyone should [redacted] share in the cost of this service evenly and not just the landowners.

Please support HB 210.

Clay Vincent
Hill County 911 Service Coordinator

My name is AL BROCKWAY and I am a member of the 9-1-1 Advisory Council representing the Montana Board of Crime Control. Because this legislation has not been brought before the Board and voted upon, I am testifying for myself.

As a former law enforcement officer with over 33 years service with 15 of those years as Assistant Chief of Police and former supervisor of the City of Helena/Lewis & Clark County law enforcement dispatch center, before 9-1-1, and as an affected member of the general public, I whole heartedly endorse this bill.

Thank You

VISITOR REGISTER

HOUSE TAXATION COMMITTEE

DATE: January 17, 1997

BILL NO: HB 210 **SPONSOR:** Rep. Hayne

NAME AND ADDRESS (PLEASE PRINT)	REPRESENTING	TYPE OF WITNESS		
		Informational	Support	Oppose
Tony Herbert	ISD / DOA		✓	
Jeff Brandt	ISD / DOA	✓		
Drew Dawson	DPHHS / EMS		✓	
Jim Greene	DES / OMA		✓	
Shawn Jackson	MEMSA		✓	
Steve Larson	Helena Fire Dept. & Helena Rural Fire Service		✓	
Jesse y. Gonzalez	Billings 9-1-1		✓	
W James Kembel	City of Billings		✓	
Vic Mullen	Blaine County		✓	
Kurt Seward	Rosebud County & MSPOA		✓	
Steve Wilkins	Treasure County		✓	
George O. Anderson	Teton Co. Sheriff (former		✓	
Clay Vincent	Hill County		✓	
Cheryl Paulino	APCO / Chouteau Co.		✓	

Please leave prepared testimony with secretary.
Witness statement forms are available if you care to submit written testimony.

VISITOR REGISTER

HOUSE TAXATION COMMITTEE

DATE: 1-17-97

BILL NO: HB 210 **SPONSOR:** _____

NAME AND ADDRESS (PLEASE PRINT)	REPRESENTING	TYPE OF WITNESS		
		Informational	Support	Oppose
Susan Bomstad	Missoula County 9-1-1 MT Chapter APCO		✓	
Jane Jelinski	Gallatin County		✓	
Anita Moon	Dept of Admin		✓	
Brian Crandell	Gallatin County Fire Dept		✓	
Joan Hafer	Roosevelt Co. S.O.		✓	
Paul Spengler	MONT. DES ASSOC		✓	
Al Brockway	MT Board of Crime Control		✓	
MIKE BROWN	GALLATIN COUNTY		✓	
~~Karlene Leonard~~	~~DPHHS - Child & Fam Serv. Div~~	~~✓~~		
Surry Lathrom	State 911 Program / APCO		✓	
Troy McGee	City of Helena MT. Chiefs Assoc		✓	
Jim Thomas	HELENA POLICE DEPT.		✓	
Gordon Morris	MACo	HB210	✓	
Michael Strand	MT Indep. Telecommunications Systems (MITS)	HB210	✓	

Please leave prepared testimony with secretary.
Witness statement forms are available if you care to submit written testimony.

VISITOR REGISTER

HOUSE TAXATION COMMITTEE

DATE: 1-19-97

BILL NO: HB210 **SPONSOR:** _____

NAME AND ADDRESS (PLEASE PRINT)	REPRESENTING	TYPE OF WITNESS		
		Informational	Support	Oppose
[illegible]	Great Falls MT MACOP		✓	
Phil Olson	Gallatin Co. Comm.		✓	
Kathy McGowan	MSPOA		✓	
Alec Hansen	MICT		✓	
Tom Foley	AFSCME		✓	
Barbara Ranf	U SWEST		HB210 ✓	
Bill Squires	Montana Tel Assoc	✓		

Please leave prepared testimony with secretary.
Witness statement forms are available if you care to submit written testimony.

HEARING ON SB 20

Opening Statement by Sponsor:

Sen. Del Gage, District 43, Glacier County, opened the hearing on SB 20, a bill to revise the definition of average mill levy applied to railroad car property. The bill was brought forward at the request of the Revenue Oversight Committee. *{Tape: 1; Side: A; Approx. Time Count: 1.2.}*

Proponents' Testimony:

Dave Woodgerd, Attorney, Department of Revenue. *{Tape: 1; Side: A; Approx. Time Count: 6.7.}*

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 7.8; Comments: Questions continued on Tape 1 B.}

Closing by Sponsor:

Sen. Gage closed. *{Tape: 1; Side: B; Approx. Time Count: 11.0.}*

EXECUTIVE ACTION ON HB 210

Motion:

Rep. Simpkins moved HB 210 Do Pass. *{Tape: 1; Side: B; Approx. Time Count: 18.3.}*

Amendments:

Rep. Harper moved the amendment to HB 210 Do Pass. **Exhibit 1.** On a voice vote the amendment passed, 18 - 2. Story and Ream voting no. *{Tape: 1; Side: B; Approx. Time Count: 19.2.}*

Discussion:

Exhibits 2 and 3. *{Tape: 1; Side: B; Approx. Time Count: 23.0; Comments: Discussion continued on Tape 2 A.}*

Amendment:

Rep. Swanson moved an amendment to raise the proposed fee from $.30 to $1.00. On a roll call vote the motion failed 17 - 3. Reps. Ryan, Swanson and Ream voting yes. *{Tape: 2; Side: A; Approx. Time Count: 4.3.}*

Vote:

On a roll call vote, HB 210 was passed as amended, 14 - 6. Reps. Story, Orr, Arnott, Wells, Jore and Raney voting no. *{Tape: 2; Side: A; Approx. Time Count: 30.4.}*

The Committee discussed the agenda for the Joint Senate/House Tax Committee meeting to be held on Wednesday, January 29, dealing with the tax implications of utility and telecommunication industry restructuring. *{Tape: 2; Side: A; Approx. Time Count: 31.7.}*

The Committee held an informal discussion of the Department of Revenue CAMUS System. *{Tape: 2; Side: A; Approx. Time Count: 35.00; Comments: The discussion was continued on Tape 2 B.}*

{Tape: 2; Side: B; Approx. Time Count: 34.6; Comments: Adjourn.}

HOUSE STANDING COMMITTEE REPORT

January 24, 1997

Mr. Speaker: We, the committee on **Taxation** report that **House Bill 210** (first reading copy -- white) **do pass as amended**.

Signed: _____
Chase Hibbard, Chair

And, that such amendments read:

1. Page 10, line 25.
Following: "(a)"
Insert: "for each fiscal year through the fiscal year ending June 30, 2007:
(i)"

2. Page 10, line 28.
Strike: "(b)"
Insert: "(ii)"

3. Page 10, line 29.
Following: "population"
Insert: "; and
(b) for fiscal years beginning after June 30, 2007, 100% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account."

-END-

1-24-97

Committee Vote:
Yes 14, No 6.

171300SC.Hgd

HOUSE TAXATION COMMITTEE
ROLL CALL VOTE

DATE OF MEETING: 1/24/97

BILL NO. HB 210

MOTION: Amendment Harper do pass.

Name	Yes	No	Comment
Rep. Bob Story Story		✓	
Rep. Scott Orr			
Rep. Bill Ryan			
Rep. Peggy Arnott			
Rep. Bill Carey	Jore		
Rep. Sam Rose			
Rep. Jack Wells	18-2		
Rep. Dan Harrington			
Rep. Alvin Ellis			
Rep. Rick Jore			
Rep. Dick Simpkins			
Rep. Paul Bankhead			
Rep. John Bohlinger			
Rep. Emily Swanson			
Rep. Lila Taylor			
Rep. Marian Hanson			
Rep. Hal Harper			
Rep. Bob Raney			
Rep. Bob Ream		✓	
Chairman Chase Hibbard			

HOUSE TAXATION COMMITTEE
ROLL CALL VOTE

DATE OF MEETING: 1/24/97

BILL NO. HB 210

MOTION: do pass as amended.
Simpkins passed 14-6

Name	Yes	No	Comment
Rep. Bob Story Story		✓	
Rep. Scott Orr		✓	
Rep. Bill Ryan	✓		
Rep. Peggy Arnott		✓	
Rep. Bill Carey	✓		
Rep. Sam Rose	✓		
Rep. Jack Wells		✓	
Rep. Dan Harrington	✓		
Rep. Alvin Ellis	✓		
Rep. Rick Jore		✓	
Rep. Dick Simpkins	✓		
Rep. Paul Bankhead	✓		
Rep. John Bohlinger	✓		
Rep. Emily Swanson	✓		
Rep. Lila Taylor	✓		
Rep. Marian Hanson	✓		
Rep. Hal Harper	✓		
Rep. Bob Raney		✓	
Rep. Bob Ream	✓		
Chairman Chase Hibbard	✓		

14 6

HOUSE TAXATION COMMITTEE
ROLL CALL VOTE

DATE OF MEETING: 1/24/97

BILL NO. HB 210

MOTION: Amendment Swanson to raise to $1/20 17-3 failed

Name	Yes	No	Comment
Rep. Bob Story Story		✓	
Rep. Scott Orr		✓	
Rep. Bill Ryan	✓		
Rep. Peggy Arnott		✓	
Rep. Bill Carey		✓	
Rep. Sam Rose		✓	
Rep. Jack Wells		✓	
Rep. Dan Harrington		✓	
Rep. Alvin Ellis		✓	
Rep. Rick Jore		✓	
Rep. Dick Simpkins		✓	
Rep. Paul Bankhead		✓	
Rep. John Bohlinger		✓	
Rep. Emily Swanson	✓		
Rep. Lila Taylor		✓	
Rep. Marian Hanson		✓	
Rep. Hal Harper		✓	
Rep. Bob Raney		✓	
Rep. Bob Ream	✓		
Chairman Chase Hibbard		✓	

1996 figures, the affect to the county would be approximately $8,000.

Closing by Sponsor:

SEN. HERTEL closed by saying it was important to keep the mining industry in Montana a viable industry for the economy of Montana. It supplies close to 1200 good paying jobs. There is never a good time for a reduction in revenue. The mining companies do deserve a break. This tax is on money which is never received.

SEN. GERRY DEVLIN took over chairing the committee.

HEARING ON HB 210

Sponsor: REP. HARRIET HAYNE, HD 86, Dupuyer

Proponents:
Paul Spangler, Lewis and Clark County Disaster Emergency Services Coordinator, also the Montana Disaster Emergency Services Assoc.
Tony Herbert, Administrator of Information Services Division, Department of Administration
Drew Dawson, Chairman, 9-1-1 Advisory Council
Cheryl Paulino, Montana Chapter of the Association of Public Safety Telecommunicators
George Anderson, Teton County Sheriff
Ann Kindness, Billings City/County 911 Center
Susan Bomstad, Communications Supervision of 911 in Missoula County
Kurt Seward, Rosebud County Sheriff
Steve Wilkins, Treasure County Sheriff
Don Kennedy, Granite County Sheriff
Scott Waldron, Missoula County Fire Protection Assoc.
Rick Seidlitz, Sheriff Meagher County
Anita Parker, Mineral County Undersheriff
Mark Denke, Sanders County Sheriffs Office 911 Center
Brian Crandell, Gallatin County Fire Council
Mike Brown, 911 Director Gallatin County and City of Bozeman
Troy McGee, Helena Chief of Police, Montana Association of Chiefs of Police
Kathy McGowen, Montana Sheriffs and Peace Officers Association
Jim Kimbel, City of Billings
Lt. Jim Thomas, Helena Police Department - 911 Center

Opponents: None.

Opening Statement by Sponsor:

REP. HARRIET HAYNE, HD 86, Dupuyer, introduced HB 210. She handed out **EXHIBIT 2.** This bill is offered to improve and enhance the 911 service in the State of Montana. This is just as important to the city dwellers as it is to the rural residents. In a flash, one is able to access the sheriff, police, fire department, ambulance, and the entire emergency system. This is financed by combining funds from many sources. In addition, there is a $.25 a month charge on every phone line. This charge is distributed back to the local organizations. House Bill 210 would add a $.30 per month charge to each phone line to finance the installation of the new enhanced 911 service. The new service would allow that when an emergency call is made, the phone number of the caller and the location is shown on the dispatcher's screen and it stays there until the response is accomplished. Often in emergencies, people do not give good location information. A child many call and not have vital information. There are times when the caller cannot speak.

The enhanced 911 telephone system provides (1) expansion of the benefits of the basic 911 emergency telephone number, (2) faster response time which minimizes the loss of life and property, (3) automatic routing to the appropriate emergency response unit, and (4) an immediate visual display of the location and telephone number of the caller. There are five counties without basic 911 service. They are Daniels, Roosevelt, Sheridan, Valley and Meagher Counties. They are working on the final plans to join the service. This bill will finance and improve the entire state.

Proponents' Testimony:

Paul Spangler, Lewis and Clark County Disaster Emergency Services Coordinator, representing the Montana Disaster Emergency Services Assoc., spoke in strong support of HB 210. He presented his written testimony, **EXHIBIT 3.**

Tony Herbert, Administrator of Information Services Division, Department of Administration, spoke in support of HB 210 on behalf of the Department and Governor Marc Racicot. His office managers the statewide 911 program which began in 1985. This program has worked very effectively. In 1985 approximately 40% of our state had access to 911 in their home or business location. At that time the legislature recognized four important facts (1) 911 capabilities should be available to all homes and businesses in the state, (2) 911 systems are developing at a slower pace than they would like, (3) without a statewide program, some communities would not be able to afford the 911 service, and (4) 911 systems statewide should meet minimum standards to ensure the public safety.

Today 96% of the state's population has access to basic capabilities through 911 systems. House Bill 210 will increase

the $.25 fee to $.55. The 911 jurisdictions can obtain access to the money by filing with the Department to implement these capabilities within their systems. Standard criteria will need to be met. This criteria will include dedicated lines capable of what is known as automatic number identification. That brings the number from the location across the phone line into the system. Databases will be needed which are capable of handling and displaying automatic location identification.

Twenty five cents of the new thirty cent fee will be redistributed in the same manner as the current fund. That is based upon population. Counties whose population is less than one percent of the total state population will nonetheless get one percent of the new monies. That includes 36 counties. The extra five cents would be distributed to the small counties. This helps recognize the costs that small rural counties will incur with the new technology. He House placed an amendment on the bill to sunset that provision after ten years. Any fees collected by the state will be held in trust for cities and counties until such time as they file final E911 plans with the Department. At that time all accrued monies, including interest, will be distributed to the 911 jurisdiction on a quarterly basis.

Drew Dawson, Chairman, 9-1-1 Advisory Council, presented his written testimony in support of HB 210, **EXHIBIT 4.**

Cheryl Paulino, Montana Chapter of the Association of Public Safety Telecommunicators, spoke in support of HB 210. In 1990, basic 911 service was provided to the residents of Choteau County. Choteau County covers an area of 4,042 square miles and many times an emergency response can take 30 to 60 minutes. During this crucial time, it is imperative that a properly trained dispatcher is able to remain on the line with the caller to provide clear instructions and to obtain updated information which can be relayed to the responding units. In many emergency situations, the time used by a dispatcher to obtain and verify vital information may be the seconds that count in saving life or property.

This past summer the Choteau County Sheriff's Department was called to investigate a homicide, which was the county's first in 17 years. The victim died from bullet wounds in his home in a rural area of the county. Among the many questions raised in this case was the time of death. The victim was not discovered for days after the crime was committed. Investigation has revealed that the victim may have attempted a phone call prior to his death. During the time in question, there were hang up calls received at the dispatch center. If Choteau County had the information provided by the enhanced 911 features, the dispatch of an emergency unit would have been completed is just eight seconds.

George Anderson, Teton County Sheriff, spoke in support of HB 210. He commented that they received a 911 call on their rural

line. The dispatcher could not understand the mumbling on the other end of the line. They alerted the emergency services which were standing by, but they had no place to send them. Eighteen minutes later, they were not able to determine who the person was. Finally, by going through the alphabet, they were able to determine where to send the emergency services.

Ann Kindness, Billings City/County 911 Center, stated that she has worked with 911 service for a dozen years. About nine years ago, she answered a 911 call and heard a woman sobbing and screaming. She needed a location. In those days, they had to leave the line open, call US West in Helena and have them isolate the trunk, and retrieve the information. On a good night, that may take two minutes. Sometimes it could take up to 30 minutes. The woman dropped the phone and was screaming in the background. Fourteen minutes into the call, the screaming ceased. She listened to absolute silence for four minutes. When the trace information came back, they immediately dispatched an ambulance and a fire unit to the house. This should have been a two minute response which took twenty minutes. The victim lived so close to the fire station, she could see the station from her front step. She listened to her die as she awaited her help.

Responders are as dependent on the 911 service as are the citizens who call to request the assistance. Enhanced 911 will not make a huge difference in the routine call, but to the caller who has passed the hysteria threshold and cannot speak for fear, panic, pain or medical problems, or simply doesn't know the address, the cost of the enhanced 911 system is clearly justified.

Susan Bomstad, Communications Supervision of 911 in Missoula County, spoke in support of HB 210. She presented her written testimony, **EXHIBIT 5.** Selective call routing directs a 911 telephone call to the correct dispatch center within a set political jurisdiction rather than by a telephone prefix which can sometimes span two separate jurisdictions. The southern section of Missoula County and the northern section of Ravalli County are grouped within the same telephone prefix. If someone calls from the northern section of Ravalli County, the call is received by Missoula County 911 and they take the information. They then call Ravalli County 911 by phone so they can dispatch law enforcement or an ambulance. This wastes time. With selective routing, telephones in each county would be individually routed to the correct dispatch center.

Kurt Seward, Rosebud County Sheriff, rose in support of HB 210.

Steve Wilkins, Treasure County Sheriff, rose in support of HB 210. He commented that **Sheriff Seward's** department handles their dispatching out of Rosebud County. Garfield and Custer Counties have gone in together and are now receiving dispatch through Custer County. The dispatchers in communities are sometimes hundreds of miles from where these incidents might happen.

Enhanced 911 will afford these dispatchers to be able to tell responders the location.

Don Kennedy, Granite County Sheriff, rose in support of HB 210. They have had many calls where people call and hang up. There have been times when it has taken up to three hours to get a call traced back to the source which may be up to sixty miles away.

Scott Waldron, Missoula County Fire Protection Assoc., rose in support of HB 210.

Rick Seidlitz, Sheriff Meagher County, rose in support of HB 210. They had a call from an elderly lady who reported she had just moved and didn't know the address. She stated she had found bodies in her house. After contacting her son in California four hours later, they were able to find out where she was. It wasn't what she had thought.

Anita Parker, Mineral County Undersheriff, rose in support of HB 210. Their county is comprised of 87 percent federal land. They have a small tax base and could not afford 911 without this bill.

{Tape: 2; Side: a; Approx. Time Count: 9:30}

Mark Denke, Sanders County Sheriffs Office 911 Center, commented that the most important thing is this bill will save lives. It takes their dispatchers three to five minutes to get a location. They give landmarks instead of street addresses. When it takes an hour to find the place and an hour to get them to the hospital, they have a problem.

Brian Crandell, Gallatin County Fire Council, rose in support of HB 210.

Mike Brown, 911 Director Gallatin County and City of Bozeman, commented that they do not feel the bill asks for enough money. Five percent of their budget is covered from phone charge funds, the rest of the burden goes to property owners.

Troy McGee, Helena Chief of Police, Montana Association of Chiefs of Police, rose in support of the bill.

Kathy McGowen, Montana Sheriffs and Peace Officers Association, stated this is one of their top priorities.

Jim Kimbel, City of Billings, rose in support of the bill.

Lt. Jim Thomas, Helena Police Department - 911 Center, explained that their dispatcher receives calls from northern Broadwater and northern Jefferson County. They have to send that information to Townsend or Boulder.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. SPRAGUE asked if a person designated his line as private, how would that be handled?

Mr. Herbert stated that automatic number identification with an E911 goes right by that.

SEN. BOB DE PRATU asked if this would work from a phone booth along the interstate?

Mr. Herbert commented that the pay phone problem was addressed in the 1985 legislation. You can call from a pay phone and they will get the location.

SEN. DE PRATU asked if this worked from a travelling cell phone?

Mr. Herbert stated that this will not address cellular calls. Working with cell phone companies, they will get the number and understand who is on the line.

SEN. DE PRATU, regarding domestic abuse, questioned how long it would take for the connection to take place. His concern was that the abuser might be cutting off the call, or ripping the phone off the wall.

Mr. Herbert stated it was instantaneous. Once the call is made, it is in the system.

SEN. DE PRATU asked if the excess funds for low population counties would be available right away?

Mr. Herbert answered that as soon as any 911 jurisdiction files a plan with their office which is acceptable to the criteria, the funding would go to them right away.

SEN. COLE asked **Sheriff Seward** for a breakdown of the money being used.

Sheriff Seward explained that right now Rosebud County collects the fees that Treasure County generates. The two counties together have about $20,000 a year. That money barely covers their phone costs and there is very little money left to purchase equipment to handle the 911 system. Rosebud County spent a substantial amount of taxpayer dollars to implement 911. As far as the new fees go, it will cost about $.22 of that $.30 to provide just the enhanced service to the counties. Approximately $.02 will go into emergency medical dispatch training which will enable the dispatchers to give life saving advice over the phone. The other nickel will go to those other 36 counties.

CHAIRMAN DEVLIN asked what the other states charge?

Mr. Herbert answered there are a variety of ways they charge. We charge on an access phone line basis. He has seen numbers from a nickel to over a dollar. Some use a percentage of the phone bill. A key objective we have is to get statewide coverage.

CHAIRMAN DEVLIN stated that he realized there had been a glitch in the phone system in the northeast corner of this state. Sheridan and Daniels Counties have a terrible time with phones. The rest don't. Meagher and Valley County don't have problems. Why is that?

Mr. Herbert stated that one of the key features of the 1985 bill was that it would be permissive, left up to the counties, to participate in 911. This was the carrot provided by the state to make some funds available. It was very clear that the locals did not want the state to mandate 911.

CHAIRMAN DEVLIN asked how extensive was the plan they needed to provide to the state?

Mr. Herbert explained that it was extensive enough for them to know that they would provide for certain criteria. For instance they needed at least two dedicated lines to the center, 24-hour dispatch, etc. The five counties we speak to are in the midst of planning for systems.

CHAIRMAN DEVLIN wondered how long it would take for the new enhanced program to be completed?

Mr. Herbert stated since it was not a mandatory system, he couldn't say. They think that within a four or five year period it should be completed.

CHAIRMAN DEVLIN asked how long Billings had the enhanced service?

Ms. Kindness answered that it was in place since early '94.

CHAIRMAN DEVLIN asked what the source of funds was?

Ms. Kindness stated that the victim 911 monies are a great contributor to that. She has a consolidated center which is governed by an advisory board. The advisory board's direction was to use the 911 money specifically to cover the 911 charges for the services and some capital expenses. They do not pay any personnel out of these monies. The 911 enhanced features alone have a budget of $58,000. Her total budget is about $1.5 million. That includes her personnel expenses.

CHAIRMAN DEVLIN asked if Missoula also had this service?

Ms. Bomstad explained they only have the automatic number identifier. For their automatic location identifier, they are using subscriber records which are a little different and not as reliable. That has been on line for a few months.

CHAIRMAN DEVLIN asked what her budget was?

Ms. Bomstad said she would need to get that information for the committee.

SEN. ECK commented that most of the services would rely on property taxes. That would be very serious for smaller counties. She questioned what percent of an enhanced system would have to be covered by an increase in property taxes?

Mr. Herbert explained that there were existing budgets in place as far as sheriff's departments, fire departments, etc. Using the 911 system allowed for consolidation. Of all expenditures going on statewide, the current 911 program is supporting approximately 13 or 14 percent. Most of the expenditures come from local funding. That will continue under E911.

SEN. ECK felt that each site would need to make substantial capital investments in order to handle the E911 system.

Mr. Herbert explained that Gallatin County was interested in the state overall participating more in the complete compliment of 911 support. They felt the $.30 fee would be quite substantial in moving E911 progressively for our state.

SEN. ECK, referring to the counties who have been slow in developing their 911 system, commented that this was due to the fact that they did not have enough people for the property taxes to cover the expense.

Mr. Herbert stated that the 911 Advisory Council that worked on this has had representation from the cities and the counties and they all agree that this is the right amount of funding that ought to go forward and that this will be very helpful. The four counties which are joining together to implement a 911 system are planning to go with the E911 system.

CHAIRMAN DEVLIN asked **Sheriff Seward** where he would get the money needed for their system?

Sheriff Seward stated that Rosebud County has a 9 mill levy which will be up again this spring unless SB 319 makes it through the House. We don't expect to have any additional costs that the E911 money won't cover.

SEN. SPRAGUE asked if the Highway Patrol participated in this process? Since time certain seems to be a problem, do you anticipate that this whole system can be up and running in five years? If not, would it help to put a time certain in the bill that stated that the participation would cease in five years?

Mr. Herbert stated the Highway Patrol was involved. When they get a 911 plan in, they ask that every participant in that community signs a document. He likes target dates for projects.

The communities like the funding carrot and it has been successful. Because of the work which was needed to happen before wasn't technical, it was turf, they feel the five year plan is a good estimate.

SEN. GLASER stated that on the Floor tomorrow they would have **SEN. BECK's** universal service plan. They have the E911 plan and somewhere there is a 311 service, non-emergency. Many states have tried universal service plans. Why did we come back to the $.30 instrument charge rather than going into the universal service plan?

Mr. Herbert wondered if he was referring to universal access piece?

SEN. GLASER stated he was referring to universal service.

Mr. Herbert was unaware of it having a specific number attached to it. There was discussion in the Governor's Blue Ribbon Task Force as they discussed SB 89, **SEN. BECK's** bill, about a universal service plan that addresses many things. There were discussions regarding creating a state universal service fund, but the question was, could it fund 911? States are looking into that. The 911 community in our state said, not now. It probably doesn't make sense for our state today. After the dust settles in Washington and in Helena regarding universal service issues and telephone costs, we should take a look at it. It could be an opportunity if we could improve and streamline the process.

SEN. GLASER stated that in the rural areas the independent telephone companies and US West have not turned on A&I and they have been shipping it out to the law enforcement people. Either they don't own the software or they haven't turned it on. How much of this $1.9 million would be going to turn on and support software in these telephone companies rather than supporting people, software and machines in the centers?

Mr. Herbert explained there will be a small amount of money that will have to go to the telephone companies to improve some of their capabilities. Because of the basic 911 that has happened in the past decade, much of the software is available. We receive A&I today where we need it on dedicated lines. Some 911 centers are not able to afford dedicated lines.

CHAIRMAN DEVLIN asked if he had a breakdown on the costs?

Mr. Herbert thought they might be looking at under $50,000 to get them started. Most of it is already there.

Closing by Sponsor:

REP. HAYNE explained she had a printout of the counties that are progressing in their 911 capabilities. She just received some

technical amendments from **Greg Petesch**, which she has not had a chance to study.

extended to perpetuity, which makes it hard to have accurate values. The 1993 values are valid and defendable. The further away you get from the base year, the less defensible the values become. **Mr. Petesch** also notes the key from the Albright Decision is that as long as the Legislature makes a "reasonable attempt to equalize values the court will accept that. SB 195 in its current form should not be viewed as anything other than a temporary solution.

SEN. DOROTHY ECK: Is there anything relative to the Legislature's attempt to define equalization of property? **Mr. Petesch** responds most of the problems have come under the equal protection issue. He references the Department of Revenue vs the State Tax Appeal Board decision in which the court says uniformity and equality will always override true value. The Legislature has a lot of flexibility as to how we arrive at value. Currently the statues require market value; the Constitution does not require we use market value. **Mr. Petesch** believes it would be defensible for the State to go to some other methodology of valuation.

EXHIBITS 4,5 & 6

CHAIRMAN DEVLIN passed out copies of Exhibits 4,5 & 6 and encouraged further input from Committee members, the Department of Revenue and the public in attendance at this informational hearing. No further input was provided and the hearing was closed.

ANNOUNCEMENT: CHAIRMAN DEVLIN ANNOUNCED THE FREE CONFERENCE COMMITTEE WILL MEET TOMORROW, SATURDAY, APRIL 12, 1997 AT 6:30 A.M. IN ROOM 325 TO CONSIDER THIS ISSUE. THE FREE CONFERENCE COMMITTEE WILL BE COMPRISED OF SEN. JOHN HARP, SEN. BRUCE CRIPPEN, SEN. MIKE HALLIGAN, REP. CHASE HIBBARD, REP. ROBERT STORY AND REP. DAN HARRINGTON.

EXECUTIVE ACTION ON HB 210

{Tape: 1; Side: B; Approx. Time Count: 0; Comments: None.}

MOTION: SEN. DOROTHY ECK MOVED HB 210 BE CONCURRED IN.

DISCUSSION:

SEN. WILLIAM GLASER noted this is a complex issue; people don't understand the relevancy between their phone and funding services such as 911.

MOTION: SEN. GLASER MOVED AMENDMENTS 21011.ajm **EXHIBIT 7**

DISCUSSION:

SEN. MIKE FOSTER referenced the "public good" of 911 and supports all telephone users as the funding source.

SEN. GLASER comments there is a difference between fees and taxes on phones. He doesn't believe the phone is relevant.

SEN. BOB DEPRATU is a strong proponent of 911 and states everyone benefits so the phone system is a good way to fund the service.

VOTE: **MOTION TO ADOPT AMENDMENTS 21011 FAILED 4-5 with CHAIRMAN DEVLIN, SEN. GLASER, SEN. SPRAGUE and SEN. STANG voting yes.**

MOTION: **SEN. GLASER MOVED AMENDMENTS 21010.ajm** **EXHIBIT 8**

DISCUSSION:

SEN. BARRY STANG notes this amendments doesn't agree with the information provided by Dave Boyer. He questions if this is a publication of services. **Barbara Ranf, U.S. West Communications** responds access to 911 is included and there is no duplication of services.

VOTE: **MOTION TO ADOPT AMENDMENTS 21010.ajm FAILED 3-6 with CHAIRMAN DEVLIN, SEN. GLASER and SEN. FOSTER voting yes.**

MOTION/VOTE: **SEN. BARRY STANG MOVED THE WORD "STATE" BE INSERTED BEFORE THE WORD "POPULATION" AS APPROPRIATE THROUGHOUT THE BILL. MOTION CARRIED UNANIMOUSLY.**

MOTION: **SEN. BOB DEPRATU MOVED AMENDMENTS 21003.ajm** **EXHIBIT 9**

Jeff Martin explains the is a technical amendment which defines terms and ensure the defined terms are used within the bill.

VOTE: **MOTION TO ADOPT AMENDMENTS 21003.ajm CARRIED UNANIMOUSLY.**

MOTION: **SEN. GLASER MOVED AMENDMENTS 21001.ajm** **EXHIBIT 10**

CHAIRMAN DEVLIN explains this amendments exempts cellular phones.

SEN. DOROTHY ECK opposes the amendment; cellular phones are relevant and are being used by many people for many different reasons; lives are saved because people can call 911 from a cellular phone.

SEN. STANG asks if this exempts cellular phones from everything. **CHAIRMAN DEVLIN** explains it does but it's not in the law unless this bill passes with this amendment.

SEN. WILLIAM GLASER objects to the fee on enhanced 911, not on the fee for basic service to cellular phones.

MOTION: **SEN. MIKE FOSTER MOVED THE SEGREGATION OF #3 OF AMENDMENTS 21001.ajm.**

DISCUSSION:

SEN. VAN VALKENBURG asks if the Committee takes it out, would the Legislative Intent be recognized as stating we don't want the 25 cents charged to cellular phones? **Mr. Tony Herbert, U.S. West Communications** responds that is how he would interpret it. **SEN. VAN VALKENBURG** comments the money for enhanced 911 is diluted if we exclude cellular phones. He sees this as a fairness issue and thinks they should be charged.

SEN. MIKE SPRAGUE notes cellular phones were first used for businesses; now there are many uses. He agrees with **SEN. VAN VALKENBURG.** He also favors lowering the price per unit.

VOTE: **MOTION TO ADOPT SEGREGATED AMENDMENT #3 OF AMENDMENTS 21001.ajm FAILED 4-5 with CHAIRMAN DEVLIN, SEN. DEPRATU, SEN. GLASER and SEN. FOSTER voting yes.**

MOTION WITHDRAWN: **SEN. GLASER WITHDREW HIS MOTION TO ADOPT AMENDMENTS 21001.ajm.**

MOTION: **SEN. GLASER MOVED AMENDMENTS 21003.ajm** **EXHIBIT 11**

Jeff Martin explains this would reduce the "nickel" allocation to all communities; we would need to amend the amendment if we want to target the less-populated counties.

SEN. DOROTHY ECK comments the Committee needs to remember all the testimony in support of this bill; she believes the 911 system is supported by the people of Montana. **CHAIRMAN DEVLIN** disagrees based on the people he heard or didn't hear testimony from.

SEN. VAN VALKENBURG asks if we adopt the amendment will the counties need to use their reserve funds to make the system work. **Mr. Herbert** indicates the counties will probably have to use some the funds.

SEN. MIKE SPRAGUE asks if the anticipated increase in cellular phones was considered in coming up with the numbers. The answer is no.

VOTE: MOTION TO ADOPT AMENDMENTS 21003.ajm FAILED 4-5 with CHAIRMAN DEVLIN, SEN. GLASER, SEN. SPRAGUE and SEN. FOSTER voting yes.

EXHIBIT 12

MOTION/VOTE: **SEN. GLASER MOVED AMENDMENTS 21005.ajm MOTION CARRIED 5-4 with SEN. DEPRATU, SEN. ECK, SEN. STANG and SEN. VAN VALKENBURG voting no.**

SEN. MIKE FOSTER comments regarding his concern about the disparity between counties relative to their reserve accounts.

SEN. GLASER comments on the disparity between Valley and Beaverhead counties which have relatively similar populations.

MOTION/VOTE: **SEN. ECK MOVED SB 210 BE CONCURRED IN AS AMENDED. MOTION CARRIED 7-2 with CHAIRMAN DEVLIN and SEN. GLASER voting no.**

SEN. BOB DEPRATU will carry the bill.

AMENDMENTS 21020.ajm **EXHIBIT 13**
NOTE: Amendments 21020.ajm were presented to the Secretary following adjournment and are a composite of the amendments approved by the Committee during today's hearing.

EXHIBIT 7
DATE 4/11/97
HB 210

Amendments to House Bill No. 210
Third Reading Copy

Requested by Senator Glaser
For the Committee on Taxation

Prepared by Jeff Martin
April 10, 1997

1. Title, line 7.
Following: "SYSTEMS,"
Insert: "PROVIDING THAT A PORTION OF THE INSURANCE PREMIUMS TAX BE DEPOSITED IN THE ENHANCED 9-1-1 ACCOUNT;"

2. Title, line 12.
Following: "10-4-303,"
Insert: "17-2-121,"

3. Page 7, line 20.
Strike: "30"
Insert: "15"

4. Page 8, line 12.
Following: "10-4-201(1)(b)"
Insert: "and for the deposit of the insurance premiums tax as provided in 17-2-121"

5. Page 12.
Following: line 2
Insert: "**Section 16.** Section 17-2-121, MCA, is amended to read:
"**17-2-121. Deposits by insurance commissioner.** (1) ~~All~~ Except as provided in subsection (2), all fees, miscellaneous and examination charges, fines, penalties, and those amounts received pursuant to 33-2-311, 33-2-705, or 33-2-706, collected by the insurance commissioner pursuant to Title 33 and the rules adopted thereunder must be deposited in the general fund.
(2) The insurance commissioner shall annually deposit in the account established in 10-4-301(1)(b) $1 million of the amount that is collected under 33-2-705.""
Renumber: subsequent sections

6. Page 12, line 12.
Strike: "18"
Insert: "19"

EXHIBIT 8
DATE 4/11/97
HB 210

Amendments to House Bill No. 210
Third Reading Copy

Requested by Senator Glaser
For the Committee on Taxation

Prepared by Jeff Martin
April 10, 1997

1. Page 10, line 27.
Strike: "2007"
Insert: "2001"

2. Page 11, line 3.
Strike: "2007"
Insert: "2001"

3. Page 11, lines 4 through 6.
Strike: "HOWEVER" on line 4 through "ACCOUNT." on line 6

EXHIBIT 9
DATE 4/11/97
HB 210

Amendments to House Bill No. 210
Third Reading Copy

For the Committee on Taxation

Prepared by Greg Petesch
February 25, 1997

1. Page 1, line 22.
Strike: "(a)"

2. Page 1, line 25.
Strike: "(b)"
Insert: "(3)"
Strike: "services""
Insert: "system""
Renumber: subsequent subsections

3. Page 1, line 27.
Following: "as appropriate,"
Insert: "that is used"
Following: "when appropriate"
Insert: ", and that is capable of providing basic 9-1-1 service"

4. Page 2, lines 8 and 9.
Following: "9-1-1" on line 8
Strike: "system""
Insert: "service""
Following: "means"
Strike: remainder of line 8 through "consisting" on line 9
Insert: "telephone service that meets the requirements for basic 9-1-1 service and that consists"

5. Page 2, line 11.
Following: "9-1-1"
Strike: "; and"
Insert: "."

6. Page 2, line 12.
Strike: "(b) that"
Insert: "(10) "Enhanced 9-1-1 system""
Following: "equipment"
Insert: "that is"
Renumber: subsequent subsections

7. Page 2, line 14.
Following: "recording"
Insert: ", and that is capable of providing enhanced 9-1-1 service"

8. Page 2, line 19.
Strike: "(9)(a)"
Insert: "(11)(a)"

9. Page 3, line 26.
Strike: "telephone"

10. Page 4, lines 11 and 12.
Following: "9-1-1"
Strike: "emergency telephone"

11. Page 5, lines 1 and 2.
Following: "9-1-1"
Strike: "emergency telephone"

12. Page 5, line 15.
Following: "9-1-1"
Strike: "emergency telephone"

13. Page 5, line 21.
Strike: "emergency"
Insert: "basic or enhanced"
Strike: "telephone"

14. Page 7, line 4.
Following: "enhanced 9-1-1"
Insert: "service"
Following: "basic 9-1-1"
Insert: "service"

15. Page 7, line 5.
Following: "9-1-1"
Insert: "service"

16. Page 11, line 14.
Strike: "service"

17. Page 11, line 23.
Following: "features"
Strike: ","

18. Page 11, line 24.
Following: "9-1-1"
Insert: "service"

EXHIBIT 10
DATE 4/11/97
HB 210

Amendments to House Bill No. 210
Third Reading Copy

Requested by Senator Devlin
For the Committee on Taxation

Prepared by Jeff Martin
April 9, 1997

1. Page 7, line 18.
Following: "state"
Insert: ", except a wireless telephone service subscriber,"

2. Page 7, lines 18 and 19.
Following: "services" on line 18
Strike: "," through "service," on line 19

3. Page 7, lines 21 and 22.
Following: "state" on line 21
Insert: ", except a wireless telephone service subscriber,"
Following: "services" on line 21
Strike: "," through "service," on line 22

EXHIBIT 11
DATE 4/11/97
HB 210

Amendments to House Bill No. 210
Third Reading Copy

Requested by Senator Devlin
For the Committee on Taxation

Prepared by Jeff Martin
April 9, 1997

1. Page 7, line 20.
Strike: "30"
Insert: "15"

2. Page 8, line 29.
Strike: "0.5%"
Insert: "0.6%"

3. Page 9, line 3.
Strike: "3.5%"
Insert: "4.4%"

4. Page 10, line 11.
Strike: "0.5%"
Insert: "0.6%"

5. Page 10, line 14.
Strike: "3.5%"
Insert: "4.4%"

EXHIBIT 12
DATE 4/11/97
HB 210

Amendments to House Bill No. 210
Third Reading Copy

Requested by Senator Devlin
For the Committee on Taxation

Prepared by Jeff Martin
April 9, 1997

1. Page 7, line 20.
Strike: "30"
Insert: "25"

EXHIBIT 13
DATE 4/11/97
HB 210

Amendments to House Bill No. 210
Third Reading Copy

For the Committee on Taxation

Prepared by Jeff Martin
April 11, 1997

1. Page 1, line 22.
Strike: "(a)"

2. Page 1, line 25.
Strike: "(b)"
Insert: "(3)"
Strike: "services""
Insert: "system""
Renumber: subsequent subsections

3. Page 1, line 27.
Following: "as appropriate,"
Insert: "that is used"
Following: "when appropriate"
Insert: ", and that is capable of providing basic 9-1-1 service"

4. Page 2, lines 8 and 9.
Following: "9-1-1" on line 8
Strike: "system""
Insert: "service""
Following: "means"
Strike: remainder of line 8 through "consisting" on line 9
Insert: "telephone service that meets the requirements for basic 9-1-1 service and that consists"

5. Page 2, line 11.
Following: "9-1-1"
Strike: "; and"
Insert: "."

6. Page 2, line 12.
Strike: "(b) that"
Insert: "(10) "Enhanced 9-1-1 system""
Following: "equipment"
Insert: "that is"
Renumber: subsequent subsections

7. Page 2, line 14.
Following: "recording"
Insert: ", and that is capable of providing enhanced 9-1-1 service"

8. Page 2, line 19.
Strike: "(9)(a)"
Insert: "(11)(a)"

9. Page 3, line 26.

Strike: "telephone"

10. Page 4, lines 11 and 12.
Following: "9-1-1"
Strike: "emergency telephone"

11. Page 5, lines 1 and 2.
Following: "9-1-1"
Strike: "emergency telephone"

12. Page 5, line 15.
Following: "9-1-1"
Strike: "emergency telephone"

13. Page 5, line 21.
Strike: "emergency"
Insert: "basic or enhanced"
Strike: "telephone"

14. Page 7, line 4.
Following: "enhanced 9-1-1"
Insert: "service"
Following: "basic 9-1-1"
Insert: "service"

15. Page 7, line 5.
Following: "9-1-1"
Insert: "service"

16. Page 7, line 20.
Strike: "30"
Insert: "25"

17. Page 11, line 2.
Following: "population"
Insert: "of the state"

18. Page 11, line 14.
Strike: "service"

19. Page 11, line 23.
Following: "features"
Strike: ","

20. Page 11, line 24.
Following: "9-1-1"
Insert: "service"

SENATE STANDING COMMITTEE REPORT

MR. PRESIDENT:

We, your committee on Taxation having had under consideration House Bill 210 (third reading copy -- blue), respectfully report that House Bill 210 be amended as follows and as so amended be concurred in.

Signed: Gerry Devlin
Senator Gerry Devlin, Chair

That such amendments read:

1. Page 1, line 22.
Strike: "(a)"

2. Page 1, line 25.
Strike: "(b)"
Insert: "(3)"
Strike: "services""
Insert: "system""
Renumber: subsequent subsections

3. Page 1, line 27.
Following: "as appropriate,"
Insert: "that is used"
Following: "when appropriate"
Insert: ", and that is capable of providing basic 9-1-1 service"

4. Page 2, lines 8 and 9.
Following: "9-1-1" on line 8
Strike: "system""
Insert: "service""
Following: "means"
Strike: remainder of line 8 through "consisting" on line 9
Insert: "telephone service that meets the requirements for basic 9-1-1 service and that consists"

5. Page 2, line 11.
Following: "9-1-1"
Strike: "; and"
Insert: "."

Amd. Coord.
Sec. of Senate

Sen. DePratu
Senator Carrying Bill

771230SC.SRF

MONTANA SENATE
1997 LEGISLATURE
TAXATION COMMITTEE

ROLL CALL DATE 4/11/97

NAME	PRESENT	ABSENT	EXCUSED
MACK COLE	✓		
BOB DE PRATU	✓		
DOROTHY ECK	✓		
BILL GLASER	✓		
MIKE SPRAGUE (7:50am)	✓		
BARRY "SPOOK" STANG (8:00am)	✓		
FRED VAN VALKENBURG	✓		
MIKE FOSTER, VICE CHAIRMAN	✓		
GERRY DEVLIN, CHAIRMAN	✓		

SEN:1997
wp.rollcall.man
CS-09

MONTANA SENATE
1997 LEGISLATURE
TAXATION COMMITTEE
ROLL CALL VOTE

DATE 4/11/97 BILL NO. HB 210 NUMBER

MOTION:

Amend. 21011. ajm

Do pass
Fails 5-4

NAME	AYE	NO
GERRY DEVLIN, CHAIRMAN	✓	
MACK COLE		✓
BOB DE PRATU		✓
DOROTHY ECK		✓
BILL GLASER	✓	
MIKE SPRAGUE	✓	
BARRY "SPOOK" STANG	✓	
FRED VAN VALKENBURG		✓
MIKE FOSTER, VICE CHAIRMAN		✓
	4	5

SEN:1997
wp:rlclvote.man
CS-11

MONTANA SENATE
1997 LEGISLATURE
TAXATION COMMITTEE
ROLL CALL VOTE

DATE 4/11/97 BILL NO. HB 210 NUMBER _____

MOTION: _____

Amend 21010.ajm

Fails 3-6

NAME	AYE	NO
GERRY DEVLIN, CHAIRMAN	✓	
MACK COLE		✓
BOB DE PRATU		✓
DOROTHY ECK		✓
BILL GLASER	✓	
MIKE SPRAGUE		✓
BARRY "SPOOK" STANG		✓
FRED VAN VALKENBURG		✓
MIKE FOSTER, VICE CHAIRMAN	✓	
	3	6

SEN:1997
wp:rlclvote.man
CS-11

MONTANA SENATE
1997 LEGISLATURE
TAXATION COMMITTEE
ROLL CALL VOTE

DATE 4/11/97 BILL NO. HB 210 NUMBER _____

MOTION: Amend. 21001.ajw #3 only

Fails 4-5

NAME	AYE	NO
GERRY DEVLIN, CHAIRMAN	✓	
MACK COLE		✓
BOB DE PRATU	✓	
DOROTHY ECK		✓
BILL GLASER	✓	
MIKE SPRAGUE		✓
BARRY "SPOOK" STANG		✓
FRED VAN VALKENBURG		✓
MIKE FOSTER, VICE CHAIRMAN	✓	

SEN:1997
wp:rlclvote.man
CS-11

MONTANA SENATE
1997 LEGISLATURE
TAXATION COMMITTEE
ROLL CALL VOTE

DATE 4/11/97 BILL NO. HB 210 NUMBER _____

MOTION: _____

Amend 21063.ajm

Fails 4-5

NAME	AYE	NO
GERRY DEVLIN, CHAIRMAN	✓	
MACK COLE		✓
BOB DE PRATU		✓
DOROTHY ECK		✓
BILL GLASER	✓	
MIKE SPRAGUE	✓	
BARRY "SPOOK" STANG		✓
FRED VAN VALKENBURG		✓
MIKE FOSTER, VICE CHAIRMAN	✓	
	4	5

SEN:1997
wp:rlclvote.man
CS-11

MONTANA SENATE
1997 LEGISLATURE
TAXATION COMMITTEE
ROLL CALL VOTE

DATE 4/11/97 BILL NO. HB 210 NUMBER _____

MOTION: _____

Amend 21005.ajm

Carried 5-4

NAME	AYE	NO
GERRY DEVLIN, CHAIRMAN	✓	
MACK COLE	✓	
BOB DE PRATU		✓
DOROTHY ECK		✓
BILL GLASER	✓	
MIKE SPRAGUE	✓	
BARRY "SPOOK" STANG		✓
FRED VAN VALKENBURG		✓
MIKE FOSTER, VICE CHAIRMAN	✓	

SEN:1997
wp:rlclvote.man
CS-11

MONTANA SENATE
1997 LEGISLATURE
TAXATION COMMITTEE
ROLL CALL VOTE

DATE 4/11/97 BILL NO. SB 210 NUMBER _____

MOTION: SB 210 as amended

Carried 7-2

NAME	AYE	NO
GERRY DEVLIN, CHAIRMAN		✓
MACK COLE	✓	
BOB DE PRATU	✓	
DOROTHY ECK	✓	
BILL GLASER		✓
MIKE SPRAGUE	✓	
BARRY "SPOOK" STANG	✓	
FRED VAN VALKENBURG	✓	
MIKE FOSTER, VICE CHAIRMAN	✓	

SEN:1997
wp:rlclvote.man
CS-11

House Bill No. 210

Introduced By hayne, kitzenberg, eck, masolo, nelson, bartlett, harper, devaney

A Bill for an Act entitled: An Act enabling 9-1-1 emergency telephone systems to provide enhanced 9-1-1 services; distinguishing basic 9-1-1 systems from enhanced 9-1-1 systems; establishing requirements for basic 9-1-1 and enhanced 9-1-1 systems; establishing fees for basic 9-1-1 and enhanced 9-1-1 systems; clarifying the services to which 9-1-1 fees apply; providing for accounting for basic 9-1-1 and enhanced 9-1-1 fees; clarifying the statutory appropriation of enhanced 9-1-1 fees; providing limits on and requirements for the distribution of and the expenditure of basic 9-1-1 and enhanced 9-1-1 fees; amending sections 10-4-101, 10-4-102, 10-4-103, 10-4-111, 10-4-112, 10-4-113, 10-4-201, 10-4-202, 10-4-301, 10-4-302, and 10-4-303, MCA; and providing effective dates and applicability dates.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 10-4-101, MCA, is amended to read:

"10-4-101. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) ~~"Account~~ "Basic 9-1-1 account" means the 9-1-1 emergency telecommunications account established in ~~10-4-301~~ 10-4-301(1)(a).

(2) "Basic 9-1-1 service" means a telephone service meeting the standards established in 10-4-102 that automatically connects a person dialing the digits 9-1-1 to an established public safety answering point.

(3) "Basic 9-1-1 system" includes equipment for connecting and outswitching 9-1-1 calls within a telephone central office, trunking facilities from the central office to a public safety answering point, and equipment, as appropriate, that is used for transferring the call to another point, when appropriate, and that is capable of providing basic 9-1-1 service.

~~(2)~~(4) "Department" means the department of administration provided for in Title 2, chapter 15, part 10.

~~(3)~~(5) "Direct dispatch method" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, provides for a decision as to the proper action to be taken and for dispatch of appropriate emergency service units.

~~(4)~~(6) "Emergency" means any event that requires dispatch of a public or private safety agency.

~~(5)~~(7) "Emergency services" means services provided by any public or private safety agency, including law enforcement, firefighting, ambulance or medical services, and civil defense services.

(8) "Enhanced 9-1-1 account" means the 9-1-1 emergency telecommunications account established in 10-4-301(1)(b).

(9) "Enhanced 9-1-1 service" means telephone service that meets the requirements for basic 9-1-1 service and that consists of selective routing with the capability of automatic number identification and automatic location identification at a public safety answering point enabling users of the public telecommunications system to request emergency services by dialing the digits 9-1-1.

(10) "Enhanced 9-1-1 system" includes customer premises equipment that is directly related to the operation of an enhanced 9-1-1 system, including but not limited to automatic number identification or automatic location identification controllers and display units, printers, and software associated with call detail recording, and that is capable of providing enhanced 9-1-1 service.

~~(6)~~(11) "Exchange access services" means:

(a) telephone exchange access lines or channels that provide local access from the premises of a subscriber in this state to the local telecommunications network to effect the transfer of information; and

(b) unless a separate tariff rate is charged ~~therefor~~ for the exchange access lines or channels, any facility or service provided in connection with the services described in subsection ~~(6)~~ ~~(a)~~ (11)(a).

~~(7)~~(12) "Local government" means any city, county, or political subdivision of the state and its agencies.

~~(8) "Minimum 9-1-1 service" means a telephone service meeting the standards established in 10-4-102 that automatically connects a person dialing the digits 9-1-1 to an established public safety answering point. "Minimum 9-1-1 services" includes equipment for connecting and outswitching 9-1-1 calls within a telephone central office, trunking facilities from the central office to a public safety answering point, and equipment, as appropriate, for transferring the call to another point, when appropriate.~~

~~(9)~~(13) A "9-1-1 jurisdiction" means a group of public or private safety agencies who operate within or are affected by one or more common central office boundaries and who have agreed in writing to jointly plan a 9-1-1 emergency telephone system.

~~(10)~~(14) "Private safety agency" means any entity, except a public safety agency, providing emergency fire, ambulance, or medical services.

~~(11)~~(15) "Provider" means a public utility, cooperative telephone company, or any other entity that provides telephone exchange access services.

~~(12)~~(16) "Public safety agency" means the state and any city, county, city-county consolidated government, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state that provides or has authority to provide emergency services.

~~(13)~~(17) "Public safety answering point" means a communications facility operated on a 24-hour basis that first receives 9-1-1 calls from persons in a 9-1-1 service area and ~~which~~ that may, as appropriate, directly dispatch public or private safety services or transfer or relay 9-1-1 calls to appropriate public safety agencies.

~~(14)~~(18) "Relay method" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, notes the pertinent information from the caller and relays ~~such~~ the information to the appropriate public safety agency, other agencies, or other providers of emergency services for dispatch of an emergency unit.

~~(15)~~(19) "Subscriber" means an end user who receives telephone exchange access services.

~~(16)~~(20) "Transfer method" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, directly transfers ~~such a~~ the request to an appropriate public safety answering agency or other provider of emergency services."

Section 2. Section 10-4-102, MCA, is amended to read:

"10-4-102. Department of administration duties and powers. (1) The department shall assist in the development of basic and enhanced 9-1-1 systems in the state. The department shall:

(a) establish procedures for determining and evaluating requests for variations from ~~minimum~~ basic or enhanced 9-1-1 service;

(b) upon request of a 9-1-1 jurisdiction, assist in planning ~~an emergency~~ a basic or enhanced 9-1-1 ~~telephone~~ system;

(c) establish criteria for evaluating basic and enhanced 9-1-1 system plans;

(d) monitor implementation of approved basic and enhanced 9-1-1 system plans for compliance with the plan and use of funding; and

(e) as it finds necessary, report to the legislature the progress made in implementing ~~a~~ statewide ~~emergency telephone system~~ basic and enhanced 9-1-1 systems.

(2) The department shall obtain input from all 9-1-1 jurisdictions by creating an advisory council to participate in development and implementation of the 9-1-1 program in the state. The council must be established pursuant to 2-15-122. The highway patrol, emergency medical services organizations, telephone companies, the associated public safety communicators, the department of emergency services, police departments, sheriff's departments, local citizens, organizations, and other public safety organizations may submit recommendations for membership on the advisory council."

Section 3. Section 10-4-103, MCA, is amended to read:

"10-4-103. Emergency telephone system requirements. (1) Every public and private safety agency in this state may establish or participate in ~~an~~ a basic or enhanced 9-1-1 ~~emergency telephone~~ system.

(2) ~~An~~ A basic 9-1-1 ~~emergency telephone~~ system must include:

(a) a 24-hour communications facility automatically accessible anywhere in the 9-1-1 jurisdiction's service area by dialing 9-1-1;

(b) direct dispatch of public and private safety services in the 9-1-1 jurisdiction or relay or transfer of 9-1-1 calls to an appropriate public or private safety agency; and

(c) a 24-hour communications facility equipped with at least two trunk-hunting local access circuits

provided by the local telephone company's central office.

(3) An enhanced 9-1-1 system must include, in addition to the requirements for a basic 9-1-1 system:

(a) automatic number identification that automatically identifies and displays the calling telephone number at the public safety answering point; and

(b) automatic location identification that automatically identifies and displays the address of the calling telephone at the public safety answering point.

(4) The primary emergency telephone number within the state is 9-1-1, but a public safety answering point shall maintain both a separate seven-digit secondary emergency number for use by the telephone company operator and a separate seven-digit nonemergency number."

Section 4. Section 10-4-111, MCA, is amended to read:

"10-4-111. Submission of preliminary plans for 9-1-1 jurisdictions -- review -- cost estimates. (1) A 9-1-1 jurisdiction may submit a preliminary plan for establishing ~~an~~ a basic or enhanced 9-1-1 ~~emergency telephone~~ system in accordance with 10-4-103 to:

(a) public and private safety agencies in the 9-1-1 jurisdiction;

(b) the department; and

(c) providers of telephone service in the 9-1-1 jurisdiction's service area.

(2) The department shall review the preliminary plan for compliance with 10-4-103 and rules adopted pursuant to 10-4-102 and report its approval or disapproval to the 9-1-1 jurisdiction within 90 days of receipt of the plan.

(3) A provider of telephone service in the 9-1-1 jurisdiction's service area shall, within 90 days of receipt of the plan, provide the 9-1-1 jurisdiction with a good faith estimate of the cost to the 9-1-1 jurisdiction for implementing the plan."

Section 5. Section 10-4-112, MCA, is amended to read:

"10-4-112. Submission and approval of final plans -- exception. (1) A 9-1-1 jurisdiction shall submit a proposed final plan for establishing ~~an~~ a basic or enhanced 9-1-1 ~~emergency telephone~~ system pursuant to 10-4-103 within 1 year from receipt of the department's approval of its preliminary plan to:

(a) public and private safety agencies in the 9-1-1 jurisdiction;

(b) the department; and

(c) providers of telephone service in the 9-1-1 jurisdiction's service area.

(2) In addition to other matters required by 10-4-103, the final plan must include a description of all capital and recurring costs for the proposed ~~emergency~~ basic or enhanced 9-1-1 ~~telephone~~ system.

(3) The department shall determine whether the final plan complies with 10-4-103 and rules adopted pursuant to 10-4-102. Subject to 10-4-113, if the department determines that the plan complies, it shall approve the plan, or if the department determines that the plan does not comply, it shall disapprove the plan. The department shall inform the 9-1-1 jurisdiction of its decision within 180 days of receipt of the plan. In any statement approving a final plan, the department shall indicate a timetable in which the provider shall undertake necessary telephone system conversions. The timetable must be such that conversions may not be required unless sufficient funds to compensate the provider for its conversion costs are available within 1 year of the initial installation of the 9-1-1 system."

Section 6. Section 10-4-113, MCA, is amended to read:

"10-4-113. Requirement for approval of final plan -- department to insure compliance. The department may not approve the preliminary or final plan ~~of~~ for basic or enhanced 9-1-1 service within a 9-1-1 jurisdiction unless the plan is accompanied by a written approval from the governing bodies of all participating public and private safety agencies included in the 9-1-1 jurisdiction."

Section 7. Submission of revised plan for conversion from basic 9-1-1 to enhanced 9-1-1. (1) A jurisdiction intending to implement an enhanced 9-1-1 system shall submit an amended plan for establishing an enhanced 9-1-1 system to:

(a) every public and private safety agency in the 9-1-1 jurisdiction;

(b) the department; and

(c) all providers of telephone service in the 9-1-1 jurisdiction's service area.

(2) The amended plan must include:

(a) a description of all capital and recurring costs for the proposed enhanced 9-1-1 system;

(b) the proposed schedule for implementation of the enhanced 9-1-1 system;

(c) the proposed expenditures for equipment and software upgrades;

(d) a plan for maintaining all automatic number identification and all automatic location identification data bases; and

(e) a plan for 9-1-1 dispatcher training that must include, at a minimum:

(i) basic telecommunicator certification awarded upon successful completion of the basic telecommunicator class offered through the Montana law enforcement academy;

(ii) emergency medical dispatch certification awarded upon successful completion of one of the

emergency medical dispatch programs that provide dispatch-specific medical training and training and practice in the use of written or automated medical dispatch protocols; or

(iii) training that includes handling 9-1-1 emergency telephone calls and relaying information to the appropriate responder or dispatch agency.

(3) (a) The department shall determine whether the enhanced 9-1-1 plan complies with the provisions of this part, including rules adopted pursuant to 10-4-102, and shall inform the 9-1-1 jurisdiction of its determination within 180 days of receipt of the plan.

(b) If the department approves an enhanced 9-1-1 plan, the department shall indicate a timetable within which the provider shall undertake necessary conversions to dedicated 9-1-1 circuits. The timetable must be such that conversions may not be required unless sufficient funds to compensate the provider for its conversion costs are available within 1 year of the initial installation of the 9-1-1 system.

(4) If enhanced 9-1-1 service has been included as part of an approved final plan for basic 9-1-1 service, the jurisdiction is not required to submit an amended plan for enhanced 9-1-1 service.

Section 8. Dedicated 9-1-1 telephone facilities to be provided -- capabilities. Every provider of telephone service in an area served by an emergency telephone system established pursuant to 10-4-103 shall provide dedicated 9-1-1 telephone facilities capable of providing automatic number identification to the public safety answering point. The provision of facilities and services required under this section must be accomplished according to a plan, including a timetable, approved pursuant to 10-4-111.

Section 9. Section 10-4-201, MCA, is amended to read:

"10-4-201. ~~Fee~~ Fees imposed for telephone exchange access services. (1) Except as provided in 10-4-202~~;~~:

(a) for basic 9-1-1 services, a fee of 25 cents a month per access line on each service subscriber in the state is imposed on the amount charged for telephone exchange access services, wireless telephone service, or other 9-1-1 accessible services; and

(b) for enhanced 9-1-1 services, a fee of 25 cents a month per access line on each service subscriber in the state is imposed on the amount charged for telephone exchange access services, wireless telephone service, or other 9-1-1 accessible services.

(2) The subscriber paying for exchange access line services is liable for the ~~fee~~ fees imposed by this section.

(3) The provider shall collect the ~~fee~~ fees. The amount of the ~~fee~~ fees collected by the provider is considered payment by the subscriber for that amount of ~~fee~~ fees.

(4) Any return made by the provider collecting the ~~fee~~ fees is prima facie evidence of payments by the subscribers of the amount of fees indicated on the return."

Section 10. Section 10-4-202, MCA, is amended to read:

"10-4-202. Exemptions from ~~fee~~ fees imposed. The ~~fee~~ fees imposed by 10-4-201 ~~does~~ do not apply to:

(1) services that the state is prohibited from taxing under the constitution or laws of the United States or the constitution or laws of the state of Montana; or

(2) amounts paid by depositing coins in a public telephone."

Section 11. Section 10-4-301, MCA, is amended to read:

"10-4-301. Establishment of emergency telecommunications ~~account~~ accounts. ~~A 9-1-1 emergency telecommunications account is~~

(1) There are established in the state special revenue fund in the state treasury:

(a) an account for all fees collected for basic 9-1-1 services pursuant to 10-4-201(1)(a); and

(b) an account for all fees collected for enhanced 9-1-1 services pursuant to 10-4-201(1)(b).

(2) All money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account.

(3) After payment of refunds pursuant to 10-4-205, the balance of the ~~account~~ respective accounts must be used for the purposes described in part 1 of this chapter.

(4) The distribution of funds in the 9-1-1 emergency telecommunications ~~account~~ accounts described in subsection (1), according to the requirements of 10-4-302 and [section 14], is statutorily appropriated.

(5) Expenditures for actual and necessary expenses required for the efficient administration of the plan must be made from temporary appropriations, as described in 17-7-501(1) or (2), made for that purpose."

Section 12. Section 10-4-302, MCA, is amended to read:

"10-4-302. Distribution of basic 9-1-1 account by department. (1) The department shall make quarterly distributions of the entire basic 9-1-1 account ~~beginning on April 1, 1987~~. The distributions must be made for the following:

(a) administrative costs incurred during the preceding calendar quarter by the department of revenue in carrying out this chapter. The amount paid may not exceed ~~1%~~ 0.5% of the account on the date of distribution or actual expenses incurred, whichever is less.

(b) administrative costs incurred during the preceding calendar quarter by the department in carrying out its duties under this chapter. The department's annual recovery of costs may not exceed ~~7%~~ 3.5% of the amount collected by the account during the fiscal year or actual expenses incurred, whichever is less.

(c) costs incurred during the preceding calendar quarter by each provider of telephone service in the state for:

(i) collection of the ~~fee~~ fees imposed by 10-4-201;

(ii) modification of central office switching and trunking equipment for emergency telephone service only; and

(iii) conversion of pay station telephones required by 10-4-121.

(2) Payments under subsection (1)(c) may be made only after application by the provider to the department for costs incurred in subsection (1)(c). The department shall review all applications relevant to subsection (1)(c) for appropriateness of costs claimed by the provider. If the provider contests the review, payment may not be made until the amount owed the provider is made certain.

(3) After all amounts under subsections (1) and (2) have been paid, the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account. A 9-1-1 jurisdiction whose 9-1-1 service area includes more than one city or county is eligible to receive operating funds from the allocation for each city or county involved. The department shall distribute to the accounting entity designated by a 9-1-1 jurisdiction with an approved final plan the proportional amount for each city or county served by the 9-1-1 jurisdiction. The department shall provide a report indicating the proportional share derived from the individual city's or county's allocation with each distribution to a 9-1-1 jurisdiction.

(4) If the department through its monitoring process determines that a 9-1-1 jurisdiction is not adhering to an approved plan or is not using funds in the manner prescribed in 10-4-303, the department may, after notice and hearing, suspend payment to the 9-1-1 jurisdiction. The jurisdiction is not eligible to receive funds until ~~such time as~~ the department determines that the jurisdiction is complying with the approved plan and fund usage limitations.

(5) The department shall distribute any balance in the basic 9-1-1 account on July 1, 1998, on a per capita basis to those 9-1-1 jurisdictions that have approved final plans filed with the department as required by 10-4-112."

Section 13. Section 10-4-303, MCA, is amended to read:

"10-4-303. Limitation on use of basic 9-1-1 funds. Money received under subsection (3) of 10-4-302 may be used only to pay for installing, operating, and improving ~~an~~ a basic 9-1-1 emergency telephone system ~~using 9-1-1~~. Money not necessary for immediate use may be invested by the city or county. The income from the investments ~~shall~~ may be used only for the purposes described in this section."

Section 14. Distribution of enhanced 9-1-1 account by department. (1) The department shall make quarterly distributions of the entire enhanced 9-1-1 account as follows:

(a) administrative costs incurred during the preceding calendar quarter by the department of revenue in carrying out this chapter. The amount paid may not exceed 0.5% of the account on the date of distribution or actual expenses incurred, whichever is less.

(b) administrative costs incurred during the preceding calendar quarter by the department in carrying out its duties under this chapter. The department's annual recovery of costs may not exceed 3.5% of the amount deposited in the account during the fiscal year or actual expenses incurred, whichever is less.

(c) costs incurred during the preceding calendar quarter by each provider of telephone service in the state for:

(i) collection of the fee imposed by 10-4-201(1)(b); and

(ii) modification of central office switching and trunking equipment necessary to provide service for an enhanced 9-1-1 system only.

(2) Payments under subsection (1)(c) may be made only after application by the provider to the department for costs described in subsection (1)(c). The department shall review all applications relevant to subsection (1)(c) for appropriateness of costs claimed by the provider. If the provider contests the review, payment may not be made until the amount owed the provider is made certain.

(3) After all amounts under subsections (1) and (2) have been paid:

(a) for each fiscal year through the fiscal year ending June 30, 2007:

(i) 84% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

(ii) the remaining 16% of the balance of the account must be distributed evenly to the counties with 1% or less than 1% of the total population of the state; and

(b) for fiscal years beginning after June 30, 2007, 100% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

(4) An enhanced 9-1-1 jurisdiction whose enhanced 9-1-1 service area includes more than one city or county is eligible to receive operating funds from the allocation for each city or county involved. The department shall distribute to the accounting entity designated by an enhanced 9-1-1 jurisdiction with an approved final plan for enhanced 9-1-1 service the proportional amount for each city or county served by the enhanced 9-1-1 jurisdiction. The department shall, upon request, provide a report indicating the proportional share derived from the individual city's or county's allocation with each distribution to a 9-1-1 jurisdiction.

(5) If the department determines that an enhanced 9-1-1 jurisdiction is not adhering to an approved plan for enhanced 9-1-1 service or is not using funds in the manner prescribed in [section 15], the department may, after giving notice to the jurisdiction and providing an opportunity for a representative of the

jurisdiction to comment on the department's determination, suspend payment from the enhanced 9-1-1 account to the 9-1-1 jurisdiction. The jurisdiction is not eligible to receive funds from the enhanced 9-1-1 account until the department determines that the jurisdiction is complying with the approved plan for enhanced 9-1-1 and fund usage limitations.

Section 15. Limitation on use of enhanced 9-1-1 funds. (1) Money received under [section 14(3) or (4)] may be used only to pay for installing enhanced 9-1-1 features or for operating and improving an emergency telephone system using 9-1-1 service once the plan for converting to enhanced 9-1-1 has been approved.

(2) With department approval, money received under [section 14(3) or (4)] may be used to pay for basic 9-1-1 service. The 9-1-1 jurisdiction shall submit a request for an exception under this subsection to the department based on a demonstrated hardship, including geographical constraints, funding limitations, or absence of technical capability or capacity.

(3) Money not necessary for immediate use may be invested by the city or county. The income from the investments may be used only for the purposes described in this section.

Section 16. Codification instruction. (1) [Sections 7 and 8] are intended to be codified as an integral part of Title 10, chapter 4, part 1, and the provisions of Title 10, chapter 4, apply to [sections 7 and 8].

(2) [Sections 14 and 15] are intended to be codified as an integral part of Title 10, chapter 4, part 3, and the provisions of Title 10, chapter 4, apply to [sections 14 and 15].

Section 17. Applicability. (1) Except as provided in subsections (2) and (3), [this act] applies on July 1, 1997.

(2) [Sections 7, 18, and this section] apply on passage and approval.

(3) [Section 14] applies to calendar quarters beginning on or after October 1, 1997.

Section 18. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 1997.

(2) [Section 7 and this section] are effective on passage and approval.

-END-